

5. *Comments and Responses*

5.1 INTRODUCTION

This chapter includes a reproduction of, and responses to, each significant environmental issue raised during the public review period. Comments are presented in their original format, including any attachments, in Appendix H, Comment Letters, of this Final EIR, along with annotations that identify each comment number.

Responses to those individual comments are provided in Table 5-1 alongside the text of each corresponding comment. Letters follow the same order as listed in Chapter 4, List of Commenters, of this Final EIR and are categorized by:

- Agencies and Service Providers
- Private Individuals and Organizations

Letters are identified by category and each comment is labeled with the comment reference number in the margin. Where the same comment has been made more than once, a response may direct the reader to another numbered comment and response. Where a response required revisions to the Draft EIR or the Parkway Master Plan, the revisions are explained and shown in Chapter 3 of this Final EIR document.

During review of the Draft EIR, several comments were submitted that related to the details of the proposed Project, convey the commenter's opinion of the proposed Project, or address the relative non-environmental consequences or benefits of the proposed Project (referred to here as "merits of the proposed Project"), rather than the adequacy of the environmental analysis in the Draft EIR. It is important for a Lead Agency in its decision-making process to consider both the adequacy of the EIR and the merits of the proposed Project. However, a Lead Agency is required by CEQA to respond in its Final EIR only to comments related to significant environmental issues raised.

Section 15204 of the CEQA Guidelines provides direction for parties reviewing and providing comment on a Draft EIR, as follows: "In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated." CEQA Guidelines Section 15204(a) states: "In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of

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factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.” Furthermore, Section 15204(c) of the State CEQA Guidelines states: “Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.” See also CEQA Guidelines Section 15088(c), Evaluation of Response to Comments.

This Final EIR, Responses to Comments section, provides the Conservancy Board with all comment letters to allow them to consider opinions and suggestions during their deliberations on the Final EIR and Master Plan Update (the proposed Project). Although comments related to merits of the proposed Project do not require responses in the Final EIR, they provide important input to the decision-making process and are included in the Response to Comments section in order to make them readily available to the decision-makers when considering whether to approve the proposed Project.

5.2 MASTER RESPONSES

Many comments submitted were on the San Joaquin River Conservancy River West Fresno, Eaton Trail Extension Project EIR. The following “Master Response” consolidates information on the Eaton Trail Project to ensure a more comprehensive response. Responses to individual comments will reference the following master response.

Master Response 1 – Eaton Trail Project

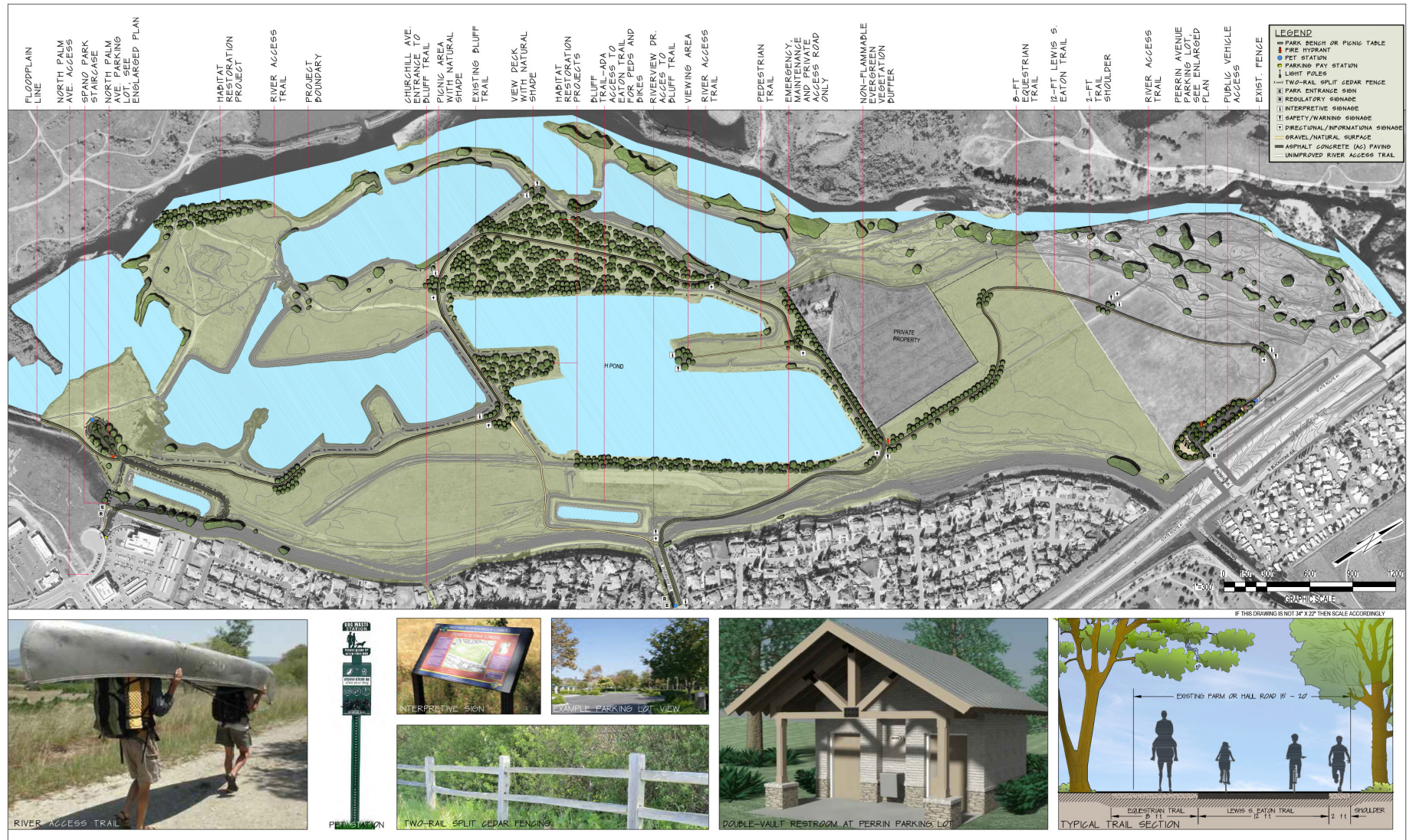
On December 13, 2017, the San Joaquin River Conservancy Board certified the *Final EIR for the River West Fresno, Eaton Trail Extension Project* and approved Alternative 5b, subject to specific conditions identified in the Board’s resolution. Alternative 5b “North Palm Access” includes the core project described as the “proposed Project” in that Final EIR, plus a public access entrance at the existing Spano Park, an access roadway and path descending a river bluff to the floodplain, and a parking lot for 40 vehicles, with access to the western end of the multi-use trail extension. The core project will extend Eaton Trail from the western terminus, pass through an underpass of State Route 41, located at the Perrin Avenue alignment, and extend approximately 2.4 miles on State-owned lands (identified as the River West property, including 291 acres under jurisdiction of the Conservancy and approximately 167 acres under the jurisdiction of the State Lands Commission.) The core project also includes a public vehicle entrance at the Perrin Avenue alignment, and a parking area for 50 vehicles and three horse trailers, with a restroom and landscaping. The parking area and shallow slope of the multi-use trail will meet Americans with Disabilities Act (ADA) design standards. Pedestrian and bicycle access will be provided at four locations—Perrin Avenue, Spano Park, and the West Riverview Drive and Churchill Avenue entrances to the existing Bluff trail. The Eaton

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Trail extension would meet the design standards in the current San Joaquin River Conservancy Master Plan for the planned Parkway-wide multi-use trail. Secondary hiking trails to and along the riverbank are also included. Figure 5-1 provides an overview of the Alternative 5b alignment. Additional information on the Eaton Trail Extension Project and EIR can be found at the following link: <http://sjrc.ca.gov/Eaton-Trail-Extension-EIR/>.

The Parkway Master Plan Update is revised in Chapter 3 of this Final EIR document to reflect the approved Alternative 5b project. The *Final EIR for the River West Fresno, Eaton Trail Extension Project* is incorporated by reference herein.

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*Note: There are also several alternatives plans.

Figure 5-1

River West Fresno, Eaton Trail Extension Approved Project, with North Palm Access

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Comment #	Comment	Response
AGENCIES AND SERVICE PROVIDERS		
A1	Governor's Office of Planning and Research	
A1-1	<p>The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on June 29, 2017, and the comments from the responding agency(ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.</p> <p>Please note that Section 21104(c) of the California Public Resources Code states that:</p> <p>"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."</p> <p>These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.</p> <p>This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.</p>	<p>This letter acknowledges that the Conservancy complied with the State Clearinghouse review requirements for draft environmental documents. No further response is required.</p>

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A2	Kristine Johnson, Senior Staff Analyst, Fresno Metropolitan Flood Control District	
A2-1	On page 4.9-10, paragraph 2 of the San Joaquin River Parkway Master Plan Update EIR, the document states FMFCD "has nine permitted discharges to the river". There are currently eight existing permitted discharges to the river and two planned discharges to the river.	As shown in Chapter 3 of this Final EIR, Section 4.9, Hydrology and Water Quality, of the Draft EIR has been revised to reflect the correct information provided by commenter.
A3	Mark Will, Engineer III, Fresno Metropolitan Flood Control District	
A3-1	Portions of the proposed project lie within the District's Boundary. The Fresno Metropolitan Flood Control District (District) storm drainage system will be able to accommodate the proposed San Joaquin River Parkway Master Plan Update within the District sphere.	This comment is noted for future Conservancy projects that are within an FMFCD Master Planned Drainage Area and would require connection to the FMFCD storm drain system.
A3-2	<p>The District bears responsibility for storm water management within the Fresno-Clovis metropolitan area, including portions of the San Joaquin River Parkway Master Plan Update (Project) area. Within the metropolitan area, storm runoff produced by land development is to be controlled through a system of pipelines and storm drainage retention basins.</p> <p>The District requires that the storm drainage patterns for the proposed project conform to the District's Master Plan. The District will need to review and approve all improvement plans for any proposed construction of grading improvements or storm drainage facilities for conformance to the Master Plan within the Project area. Specific construction requirements will be addressed with the implementation of Project improvement plans.</p>	This comment is noted for future Conservancy projects that are within an FMFCD Master Planned Drainage Area and would require connection to the FMFCD storm drain system.
A3-3	Permanent storm drainage service may or may not be available to the Project area and it will be the responsibility of the County or City of Fresno to verify that runoff can be safely conveyed to the Master Plan facilities in the area of construction, if available.	This comment is noted for future Conservancy projects that are within an FMFCD Master Planned Drainage Area and would require connection to the FMFCD storm drain system.
A3-4	Construction activity, including grading, clearing, grubbing, filling, excavation, development or redevelopment of land that results in a disturbance of one (1) acre or more of the total land area, or less if part of a larger plan of development or sale, must secure a storm water	This comment is noted for future Parkway projects that would trigger NPDES General Permit of Construction Activity requirements. The requirement to secure such a permit is noted in Section 7.3.8, Hydrology and Water Quality, on page 7-32 of the Parkway Master

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	discharge permit in compliance with the U.S. Environmental Protection Agency's National Pollutant Discharge Elimination System regulations (CFR Parts 122-124, Nov. 1990). The permit must be secured by filing a Notice of Intent for the State General Permit for Construction Activity with the State Water Resources Control Board. The notice must be filed prior to the start of construction. Copies of the State General Permit and Notice of Intent are available at the District.	Plan Update, and in Subsection 4.9.3, Impact Discussion, on page 4.9.11 the Draft EIR.
A4	Alex Belanger, Assistant Superintendent, Facilities Management and Planning, Fresno Unified School District	
A4-1	Upon review of the San Joaquin River Parkway Master Plan Update and accompanying DEIR, the District anticipates a number of possibilities to engage the Parkway in relation to field trips, educational, and volunteering opportunities for District students	The School District's interest in, and acknowledgement, of the educational opportunities to be provided by implementation of the Parkway Master Plan is appreciated. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. No further response is required.
A4-2	The school nearest in proximity to the San Joaquin River Parkway is Forkner Elementary School at 7120 N. Valentine Ave., approximately one-half mile from the San Joaquin River. As the closest school to the proposed project, Forkner would be subject to the greatest effects from any potential impacts	The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. No further response is required.
A4-3	In the 'Hazards and Hazardous Materials' section of the DEIR on page 4.8-13, it states <i>"Other schools within ½- to ¾-mile of the Parkway Plan Area include the Rio Vista, Norman Liddell, Forkner, and Nelson Elementary Schools within the Fresno Unified School District and Pinedale Elementary School in the Clovis Unified School District."</i> Rio Vista Middle and Liddell Elementary schools are in fact within Central Unified School District, and Nelson Elementary is within the Clovis Unified School District	As shown in Chapter 3 of this Final EIR, Section 4.8, Hazards and Hazardous Materials, of the Draft EIR has been revised to reflect these corrections.
A4-4	Regarding 'Public Services and Recreation' section, page 4.14-25 and the Fresno County goal to <i>"encourage the development of parks near public facilities such as schools"</i> and to <i>"encourage joint-use agreements whenever possible."</i> The District is in continued support of this goal, with the safety and security of students an utmost priority, and should be met	The comment pertains to a goal within the Fresno County General Plan, which is not under the Conservancy's authority or review, or considered for revision through the Parkway Master Plan Update. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the

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	with appropriate park and police safety and security measures	Draft EIR, nor does the comment raise a new environmental issue. No further response is required.
A5	Brian Clements, Program Manager, San Joaquin Valley Air Pollution Control District	
A5-1	The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Draft Environmental Impact Report (Draft EIR) for the San Joaquin River Parkway Master Plan Update for the planned 22-mile regional natural and recreation area (Project). The purpose of this Project is to present updated goals, objectives, and policies, and to envision potential future uses, improvements, features, facilities, and management measures to be implemented. The District offers the following comments:	The comment serves as an opening remark and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. No further response is required.
A5-2	<p>1. The Project itself will not have an impact on air quality. However, future development within the area will contribute to the overall decline in air quality due to increased traffic and ongoing operational emissions. New development may require further environmental review and mitigation. The District makes the following recommendations regarding future development:</p> <p>A. Accurate Project related health impacts should be evaluated altogether to determine if emissions of toxic air contaminants (TAC) will pose a significant health risk to nearby sensitive receptors. TACs are defined as air pollutants that may cause or contribute to an increase in mortality or serious illness, or which may pose a hazard to human health. The most common source of TACs can be attributed to diesel exhaust fumes that are emitted from both stationary and mobile sources. Health impacts may require a detailed health risk assessment (HRA). Prior to conducting an HRA, an applicant may perform a prioritization on all sources of emissions to determine if it is necessary to conduct an HRA. A prioritization is a screening tool used to identify projects that may have significant health impacts.</p> <p>If the Project altogether has a prioritization score of 1.0 or more, the</p>	The Parkway Master Plan Update is a programmatic plan. The EIR is also at programmatic level of review. Each subsequent project developed under the Master Plan will be subject to site-specific, project-specific environmental review. This comment is noted for future Parkway projects that may generate toxic air contaminants (TACs). As identified in the Draft EIR on page 4.3-33 under AQ-4, the proposed Project would not generate substantial new sources of TAC that would warrant a health risk assessment to nearby sensitive receptors. Additionally, due to the natural setting of the San Joaquin River, proposed active use areas (e.g., camping, parking lots) within the planned Parkway are not proximate to off-site sensitive receptors. Therefore, a health impact assessment is not warranted for this proposed Project and is not anticipated to be needed for future projects under the Parkway Master Plan.

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	<p>Project has the potential to exceed the District's significance threshold for health impacts of 20 in a million and an HRA should be performed. If an HRA is to be performed, it is recommended that the Project proponent contact the District to review the proposed modeling approach. The Project would be considered to have a significant health risk if the HRA demonstrates that Project related health impacts altogether would exceed the District's significance threshold of 20 in a million.</p> <p>More information on TACs, prioritizations and HRAs can be obtained by:</p> <ul style="list-style-type: none"> • E-mailing inquiries to: hramodeler@valleyair.org; or • Visiting the District's website at: http://www.valleyair.org/busind/ptorroxResources/AirQualityMonitoring.htm 	
A5-3	<p>B. Construction Emissions - Although the Draft EIR concludes that the Project's construction emissions will have a significant impact on air quality, the District recommends incorporating feasible mitigation measures to lessen the air quality impact associated with construction activity. In order to reduce construction exhaust emissions to the extent feasible, mitigation measures reducing construction exhaust emissions must be fully enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines §15126.4, subd.(a)(2)). Feasible mitigation of construction exhaust emission includes use of construction equipment powered by engines meeting, at a minimum, Tier III emission standards, as set forth in §2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 Code of Federal Regulations. The District recommends incorporating, as a condition of Project approval, a requirement that off-road construction equipment used on site achieve fleet average emissions equal to or less than the Tier III emissions standard of 4.8 NOx g/hp-hr. This can be achieved through any combination of uncontrolled engines and engines complying with Tier III and above engine standards.</p>	<p>Mitigation Measure AQ-3a from the Draft EIR requires for future projects under the proposed Plan, use of construction equipment rated by the United States EPA as having Tier 3 (model year 2006 or newer) or Tier 4 (model year 2008 or newer) emission limits, applicable for engines between 50 and 750 horsepower, which is consistent with the SJVAPCD's request to meet a fleet average that is equal or greater than 4.8 NOx g/hp-hr. These requirements will be included as part of future site-specific, project-specific environmental review and incorporated as conditions of approval as recommended by the District.</p>
A5-4	<p>C. If the Project equals or exceeds 20,000 square feet of recreational</p>	<p>As identified in Chapter 4.3, Air Quality, of the Draft EIR, future</p>

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	<p>space, the Project would be subject to District Rule 9510 (Indirect Source Review).</p> <p>District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. If approval of the Project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit, be made a condition of Project approval.</p> <p>Information about how to comply with District Rule 9510 can be found on line at: http://www.valleyair.org/ISR/ISRHome.htm.</p>	<p>projects under the Parkway Master Plan subject to SJVAPCD Rule 9510 would require an Air Impact Assessment (AIA). For projects under the Parkway Master Plan subject Rule 9510, the Conservancy shall submit an AIA application no later than final discretionary approval.</p>
A5-5	<p>D. The Project may also be subject to the following District rules: Regulation VIII, (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).</p>	<p>The Parkway Master Plan Update is a programmatic plan and the EIR is also at programmatic level of review. Each subsequent project developed under the Master Plan will be subject to site-specific, project-specific environmental review. As identified in Chapter 4.3, Air Quality, of the Draft EIR, future projects under the proposed Plan would be subject to the SJVAPCD's existing rules and regulations, which include Regulation VIII, Rule 4102, Rule 4601, and Rule 4641 (as well as any then-current rules and regulations).</p>
A5-6	<p>E. The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this Project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found on line at: www.valleyair.org/rules/1_ruleslist.htm.</p>	<p>See response to Comment A5-5. The Parkway Master Plan Update and future projects under the proposed Project would comply with all other SJVAPCD rules and regulations.</p>
A5-7	<p>2. Table 4.3-6 of the Draft EIR recognizes the District's Toxic Air Contaminants Incremental Risk Thresholds. The Maximum Exposed</p>	<p>Comment noted. Any future air quality and health risk studies required for future projects under the Parkway Master Plan Update would</p>

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	Individual (MEI) Cancer Risk threshold is identified as greater-than or equal-to 10 in one million per the District's 2015 Guidance for Assessing and Mitigating Air Quality Impacts, however this threshold has since been updated to greater-than or equal-to 20 in one million. In future discussion and assessment, the District recommends updating the threshold value to reflect the current MEI Cancer Risk. Current air quality thresholds of significance for Toxic Air Contaminants can be found at: http://www.valleyair.org/transportation/ceqa_idx.htm	incorporate current Toxic Air Contaminants Incremental Risk Thresholds.
A5-8	<p>3. As presented in the Draft EIR, after implementation of all feasible mitigation, the Project would have a significant and unavoidable impact on air quality. However, the environmental document does not discuss the feasibility of implementing a voluntary emission reduction agreement (VERA). As discussed below, the District believes that mitigation through a VERA is feasible in many cases, and recommends the environmental document be revised to include a discussion of the feasibility of implementing a VERA to mitigate Project specific impacts to less than significant levels.</p> <p>A VERA is a mitigation measure by which the Project proponent provides pound-for-pound mitigation of emissions increases through a process that develops, funds, and implements emission reduction projects, with the District serving a role of administrator of the emissions reduction projects and verifier of the successful mitigation effort. To implement a VERA, the Project proponent and the District enter into a contractual agreement in which the Project proponent agrees to mitigate Project specific emissions by providing funds for the District's Strategies and Incentives Department (SI). The funds are disbursed by SI in the form of grants for projects that achieve emission reductions.</p> <p>Thus, Project specific impacts on air quality can be fully mitigated. Types of emission reduction projects that have been funded in the past include electrification of stationary internal combustion engines (such as agricultural irrigation pumps), replacing old heavy-duty trucks with new, cleaner, more efficient heavy-duty trucks, and replacement of old farm</p>	<p>As stated on page 4.3-32 of the Draft EIR, "no further measures to reduce operation-phase criteria air pollutant emissions are available beyond the applicable SJVAPCD rules and regulations" for the Parkway Master Plan programmatic EIR. In compliance with applicable SJVAPCD regulations, on a project-specific basis, the Conservancy will evaluate the potential impacts of future development projects implemented under the Master Plan to determine whether to opt to participate in this voluntary agreement in order to reduce project-specific impacts. The VERA program is intended for use by projects that cannot reduce their impacts to below the thresholds of significance by other means. Emission reductions achieved under a VERA can be applied towards satisfying ISR emission reduction requirements under Rule 9510 for individual projects subject to the Master Plan.</p>

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	tractors.	
	<p>In implementing a VERA, the District verifies the actual emission reductions that have been achieved as a result of completed grant contracts, monitors the emission reduction projects, and ensures the enforceability of achieved reductions. The initial agreement is generally based on the projected maximum emissions increases as calculated by a District approved air quality impact assessment, and contains the corresponding maximum fiscal obligation. However, because the goal is to mitigate actual emissions, the District has designed flexibility into the VERA such that the final mitigation is based on actual emissions related to the Project as determined by actual equipment used, hours of operation, etc., and as calculated by the District. After the Project is mitigated, the District certifies to the lead agency that the mitigation is completed, providing the lead agency with an enforceable mitigation measure demonstrating that Project specific emissions have been mitigated to less than significant.</p> <p>The District has been developing and implementing VERA contracts with project developers to mitigate project specific emissions since 2005. It is the District's experience that implementation of a VERA is a feasible mitigation measure, and effectively achieves the emission reductions required by a lead agency, by mitigating Project related impacts on air quality to a net zero level by supplying real and contemporaneous emissions reductions. To assist the Lead Agency and Project proponent in ensuring that the environmental document is compliant with CEQA, the District recommends the environmental document be amended to include an assessment of the feasibility of implementing a VERA.</p>	
A6	Cy R. Oggins, Chief Division of Environmental Planning and Management, California State Lands Commission	
A6-1	The California State Lands Commission (Commission) staff has reviewed the San Joaquin River Parkway Master Plan Update (MPU) and Draft Environmental Impact Report (EIR), which is being prepared by the San	The comment serves as an opening remark and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment

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	Joaquin River Conservancy (Conservancy). The Conservancy, as a public agency proposing to carry out a project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The Commission is a trustee agency in its review of the MPU, but may also be a responsible agency for future projects considered under the MPU that could directly or indirectly affect sovereign land and their accompanying Public Trust resources or uses.	raise a new environmental issue. No further response is required.
A6-2	<p>The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6009, subd. (c); 6009.1; 6301; 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust.</p> <p>As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The state holds these lands for the benefit of all people of the state for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On navigable non-tidal waterways, such as the San Joaquin River, the state holds fee ownership of the bed of the waterway landward to the ordinary low-water mark and a Public Trust easement landward to the ordinary high-water mark, except where the boundary has been fixed by agreement or a court decision. Such boundaries may not be readily apparent from present day site inspections.</p> <p>Commission staff has determined that portions of future MPU activities may be located on State-owned sovereign land under the Commission's jurisdiction. Please be advised that any future project improvements or activities located waterward of the low-water mark of the San Joaquin</p>	<p>This comment describes the role of the California State Lands Commission (CSLC) regarding management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways that are subject to protections of the common-law trust. The comment describes the specific areas of jurisdiction over tidelands, tidal waterways, and navigable nontidal waterways.</p> <p>The Conservancy recognizes the role of the CSLC as a trustee agency responsible for management of ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The Conservancy and CSLC commonly coordinate, and the CSLC is represented on the Conservancy board. The Conservancy possesses copies of the CSLC administrative maps of the San Joaquin River and consults the CSLC to determine boundaries. Once a project under the Parkway Master Plan is approved, the Conservancy would complete an application to the CSLC to obtain a lease as necessary to construct and operate proposed project improvements within lands under the CSLC's jurisdiction. The Conservancy shares the CSLC's mission to protect and facilitate public access to the San Joaquin River, as reflected in the goals, objectives, policies, and plans of the proposed Parkway Master Plan.</p>

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	<p>River, as depicted on sheets 1 through 17 of the San Joaquin River Friant Dam to Gravelly Ford Administrative Maps, will encroach on sovereign land and will require a lease from the Commission. When future projects are proposed, please submit a detailed project description with more site-specific information to allow staff to determine the extent of the Commission's interest and which components of the project, if any, will require a lease prior to project implementation on sovereign land. Please contact Randy Collins, Public Land Management Specialist (see contact information below) for further information about the extent of the Commission's sovereign ownership and leasing requirements.</p> <p>Even if future project activities are not subject to a lease from the Commission, the areas between the low- and high-water marks of the San Joaquin River are subject to a Public Trust easement. This easement provides the public with a property right that includes, but is not limited to, access for navigation, fishing, water-related recreation, open space, and ecological preservation uses. Future activities undertaken by the Conservancy must take into consideration and balance these public easement rights.</p> <p>These comments are made without prejudice to any future assertion of state ownership or public rights, should circumstances change, or should additional information become available, and are not intended, nor should they be construed as a waiver or limitation of any right, title, or interest of the State of California in any lands under its jurisdiction.</p>	
A6-3	<p>The San Joaquin River Parkway (Parkway) is a 22-mile-long regional, natural recreation area, primarily in the river's floodplain extending from Friant Dam to Highway 99. The Conservancy is proposing to update the existing Interim Master Plan, which the Conservancy adopted in December 1997. The 1997 Plan is being updated to reflect the following:</p> <ul style="list-style-type: none"> • Regulatory changes • The San Joaquin River Restoration Program • Practices, programs, directives, initiatives, and partnerships that have been developed over the years 	<p>This comment accurately summarizes the description of the proposed project found in Chapter 2, Project Description, of the Draft EIR. This comment is not directed at the adequacy or completeness of the EIR analysis; therefore, no further response is required.</p>

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	<ul style="list-style-type: none"> • Lands acquired by the Conservancy • Site-specific adopted and conceptual plans • Addition of new goals, policies, and mitigation measures to address new changes, and to assist with the continued implementation of the Parkway <p>The MPU will serve as the document to guide future improvements to the Parkway, incrementally and in phases over many years. As such, the MPU includes goals, policies, and conceptual improvement projects. Future projects under the MPU will be subject to further CEQA review as necessary on a site-specific basis. Some of the key components of the MPU include, but are not limited to:</p> <ul style="list-style-type: none"> • Acquisition of a total of 5,900 acres of public open space and conservation lands • Revegetation, restoration, and enhancement of Parkway habitats • Development, operation, and maintenance of a 23-mile paved multiple-use Parkway trail • Rehabilitation, maintenance, and new construction of permanent, temporary, and seasonal bridges and crossings (including weirs, fords, culverts, pedestrian decks on vehicle bridges, and other types of crossings) • Development, operation, and maintenance of a river trail and support facilities for non-motorized boating • Development, operation, and maintenance of ancillary infrastructure to support public access and low impact recreational uses, including but not limited to: gates, fences, entrances, access roads, trailheads, parking, staging areas, restrooms, kiosks, equestrian trail riding, non-motorized boating and paddling, bicycling, vista points, observation decks, fishing piers and docks, Americans with Disabilities Act and universal access accommodations 	
A6-4	<p>The Draft EIR analyzes the MPU as the proposed Project, including a No Project Alternative, and an Increased Natural Reserves Alternative. Under the Increased Natural Reserves Alternative, the proposed Project would continue to be implemented; however, the focus would shift to</p>	<p>This comment summarizes the content of the Draft EIR, and provides and introduction to specific comments on the document.</p>

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	<p>increasing natural reserves through land acquisitions, and not enhance or increase the existing network of multi-use trails. As such, fewer recreation and education facilities and trail enhancements would occur, thereby reducing visitation and further opportunities for low-impact recreation compared to the proposed Project. This alternative would not meet many of the fundamental objectives for the San Joaquin River, nor fulfill the statutory mission of the Conservancy.</p> <p>Commission staff requests that the Conservancy consider the following comments on the MPU and Draft EIR.</p>	
A6-5	<p>General Comments</p> <p>1. In Section 2.8 of Chapter 2 of the MPU, please add the following definition for Public Trust Lands:</p> <p>The area of the San Joaquin River waterward of the ordinary high-water mark, as represented on the San Joaquin River Friant Dam to Gravelly Ford Administrative Maps. This includes the Public Trust easement that is reserved to the people of California, between the ordinary high-water mark and the ordinary low-water mark.</p> <p>2. In Chapter 9, Plan Preparation of the MPU, please replace Michael McKown with Jennifer Lucchesi as the Commission's representative on the Conservancy Board.</p>	<p>This comment requests changes to the Parkway Master Plan to add a definition of Public Trust lands, and is not directed at the adequacy or completeness of the EIR analysis. Section 2.8 of Chapter 2 of the Parkway Master Plan has been revised to add the requested definition. Chapter 9 of the Parkway Master Plan has been revised to add Ms. Lucchesi as the current representative on the Conservancy Board, as requested. See Chapter 3 of this Response to Comments, Final EIR.</p>
A6-6	<p>Biological Resources</p> <p>3. <u>Aquatic Invasive Species (AIS)</u>: The San Joaquin River is listed under Clean Water Act section 303(d), as impaired for invasive species within the Parkway. Under this impairment, the river cannot assimilate or accommodate additional AIS, and any increase in such species would contribute to the impairment (River West Fresno, Eaton Trail Extension Project Draft EIR 2017). Given the MPU's future vision for enhanced boating access (e.g., the MPU identifies existing boat launching facilities, and promotes opportunities for future facilities to support boating access throughout the Parkway), Commission staff encourages the</p>	<p>The Parkway Master Plan Update includes fundamental goal, FG.6, to cooperate among agencies in implementation of the Parkway. The proposed Plan was revised to include Policy INTERP.14: <i>Provide signage at all boat put-in areas and adjoining parking lots that identify aquatic invasive species, and lists AIS clean, drain, and dry best management practices.</i> See Chapter 3 of this Final EIR document for this revision to the plan.</p>

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	<p>Conservancy to encourage participation with existing programs and management techniques to control and prevent introductions of AIS associated with motorized and non-motorized watercraft.</p> <p>For example, within Chapter 6, Goals and Policies of the MPU, Environmental Education, Interpretation, and Outreach, the Conservancy could develop a policy that promotes public education on the spread and introduction of AIS. The policy could supplement Policies 5 and 6 for Habitat Conservation and Management, to control, remove, and prevent introductions of AIS. Other measures could include introduction of AIS clean, drain, and dry practices for watercraft, and signage at parking lot and staging areas for boating facilities that identify existing non-native AIS and promote practices to prevent the spread of such species.</p> <p>Commission staff encourages the EIR to analyze this potential impact for AIS and include the above recommendations as mitigation measures. The California Department of Fish and Wildlife's Invasive Species Program could assist with this analysis, as well as with the development of appropriate mitigation (information at www.dfg.ca.gov/invasives/).</p>	
A6-7	<p><u>Cultural Resources</u></p> <p>4. <u>Title to Resources</u>: Within the Cultural Resources section of the Draft EIR, under State Laws and Regulations, please insert the following language:</p> <p>The title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the submerged lands of California are vested in the state and under the jurisdiction of the Commission (Pub. Resources Code, § 6313). The final disposition of archaeological, historical, and paleontological resources recovered on state lands under the jurisdiction of the Commission must be approved by the Commission.</p>	<p>This comment requests changes to the Parkway Master Plan, and is not directed at the adequacy or completeness of the EIR analysis. Section 4.5.1.1 of Chapter 4 of the Draft EIR has been revised to add the requested definition. See Chapter 3 of this Final EIR document for this revision to Draft EIR.</p>

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A6-8	<p>Land Use</p> <p>5. <u>Boundaries of Public Trust Lands</u>: Chapter 8 of the MPU, Subsection 8.2.1, Recreation Areas, discusses some areas of the river being adjacent to private lands, and the siting of non-motorized boating facilities in locations to avoid trespass on private lands. Chapter 8 also explains that trespass onto private lands adjacent to the river and parkway is an identified concern for private land owners. The MPU should include public education measures regarding the public's rights and responsibilities for accessing Public Trust lands in the Public Trust easement. Such public outreach would inform the public on how the boundaries of Public Trust lands are determined and identified, and what rights the public has relating to these lands and accessing the river. The MPU should also include reference to the San Joaquin River Friant Dam to Gravelly Ford Administrative Maps as a resource for the public (see Item 1 above for the requested Public Trust Lands definition, and the Jurisdiction section for Commission jurisdiction over navigable, non-tidal waterways and the Public Trust easement).</p>	<p>The CSLC has recently published and made available on-line a guide relating to the public's rights and responsibilities for accessing Public Trust Lands. The proposed Plan includes a fundamental goal, FG.6, to cooperate among agencies in implementation of the Parkway. The Conservancy will provide information about the guide's availability at Parkway public access areas and provide a link to the guide on the website, www.sjrc.ca.gov. This comment is not directed at the adequacy or completeness of the EIR analysis and requires no further response.</p>
A6-9	<p>6. Land Use Planning, Operations, Maintenance, and Funding: Appendix 8 of the MPU, Operations and Maintenance Funding Toolbox, explores the feasibility of various funding mechanisms to support Parkway operations and maintenance.</p> <p>Some proposed funding sources include:</p> <ul style="list-style-type: none"> • Establishment of local jurisdiction general fund appropriations to provide Parkway services • Establishment of County Service Areas within the Parkway • Establishment of Community Service Districts within the Parkway • Development and implementation of developer impact fees by local jurisdiction planning agencies • Special events, such as concerts, water oriented recreation events and competitions, festivals, etc. <p>Chapter 8 of the MPU, Implementation, explains that Appendix 8 was prepared as part of the MPU process, to provide an analysis of options for funding ongoing operations and maintenance. However, most of the</p>	<p>As noted by the commenter, the Conservancy does not have the authority to tax or levy assessments. Other revenue authorities are available to the Conservancy and are described in the O&M Toolbox Appendix to the Master Plan Update. The authorities available to local agencies to generate revenues are also described, as well as the processes required to secure approval. At the time lead agencies contemplate discretionary actions, they must determine if those actions are projects under CEQA. No such actions are required for the Conservancy to adopt the Parkway Master Plan Update and programmatic EIR. The possible resources for operations and maintenance are pertinent to long-term planning, but are not part of the evaluation of environmental impacts. Under Section 15131 of the State CEQA Guidelines, economic and social impacts are not considered as significant environmental effects.</p>

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	<p>above proposals would require discretionary approval by local jurisdictions, and some would be subject to a public voting process. Although Draft EIR Section 4.10, Land Use Planning, explains that many of the existing Master Plan policies have been adopted in whole or in part by the three local land use agencies: the County of Fresno, County of Madera, and City of Fresno, this section does not appear to analyze these funding proposals, or acknowledge that local jurisdictions would need to take separate discretionary action to implement these proposals, or include special events as part of the consistency analysis with local jurisdiction zoning ordinances and general plan land use designations. Chapter 8 and Appendix 8 of the MPU, and the Land Use Planning section of the Draft EIR would benefit with more background discussion on how the above funding proposals relate to the Draft EIR analysis.</p>	
A6-10	<p>Recreation and Public Access</p> <p>7. <u>Public Access</u>: The San Joaquin River Conservancy Act (SJCA) set a target of 5,900 acres of land to be acquired to develop the Parkway. When the Conservancy was created, it was determined at that time that 1,250 acres were already in public ownership and protection. The Conservancy has acquired over half of the remaining 4,650 acres to date, leaving a little over 2,000 acres to be acquired. Acquiring lands to complete the 5,900-acre Parkway is the highest program priority, driven by development threats, real estate values, and the momentum of concurrent negotiations. In accordance with the SJCA, lands acquired by the Conservancy shall remain closed to public access, and planned public access projects will not be constructed until and unless adequate operations and management resources are available (Pub. Resources Code, § 32511). The SJCA also mandates that development of the Parkway shall first protect natural resources, including habitat, wildlife, and flood conveyance, and that public access shall only be provided to the extent it is compatible with protection of the resources. Currently, there are limited opportunities for the public to access acquired lands for recreation and education purposes and, as explained in Chapter 8 of the MPU, Implementation, there is a need and demand for improved public</p>	<p>This comment accurately reflects the content of the Parkway Master Plan Update and is not directed at the adequacy or completeness of the EIR analysis; therefore, no further response is required. Please see response to Comment A6-15.</p>

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	access within the Parkway.	
	Chapter 8 of the MPU proposes more intensively developed hubs of Parkway recreation facilities near and adjacent to existing recreation facilities, located at Lost Lake Park, the Coke Hallowell River Center, Woodward Park, the crossing at Highway 41, and near Highway 99. Impacts of more intensive recreation will be reduced by improving and expanding these existing facilities, rather than accommodating them at new locations along the river. In the interest of developing public access facilities at new locations along the river, Commission staff encourages the Conservancy to proactively pursue opportunities to impose legal mandates for providing public access; see Item 10 below.	
A6-10 cont'd	Given the limitations to public access as explained above, Commission staff discourages new funding sources for operations and maintenance identified in Appendix B of the MPU, that would reduce or eliminate public access and recreation. The San Joaquin River Partnership may also be a potential funding source for consideration with Appendix B, to assist with development of riverside support facilities to implement the San Joaquin River Water Trail within the Parkway; see Item 8 below.	New funding sources for Parkway operations and maintenance would allow more Parkway access areas and new facilities to be developed, to serve the public. The O&M Toolbox, Appendix B of the proposed Master Plan notes that partnerships with nonprofit groups (such as the San Joaquin River Partnership) could help meet some of the future operational needs. This comment is not directed at the adequacy or completeness of the EIR analysis; no further response is required.
A6-11	The Increased Natural Reserves Alternative also appears to prioritize natural resource protection, with no objective to enhance public access and recreation facilities. This alternative would also not seem to implement local jurisdiction general plan policies for enhanced recreation facilities and open space along the river, or be consistent with other existing master plan goals and policies. Therefore, Commission staff does not support this alternative.	The CSLC's comment that it does not support the Increased Natural Resources Alternative is conveyed to the Conservancy Board through this document. The comment supports the conclusions regarding this alternative in the Draft EIR. This comment is not directed at the adequacy or completeness of the EIR analysis; therefore, no further response is required.
A6-12	In summary, there appear to be numerous limitations for increasing public access to Parkway lands. Although the Conservancy may be required to close external public access for acquired Parkway lands that do not have adequate operations and management resources available, the riverbed is also public land, unencumbered by the public access limitations of the SJRCA and MPU, and will continue to be open to public use. The Public Trust easement also allows for lateral public access along	The CSLC's comment that the Conservancy should support the public use of Public Trust areas is conveyed to the Conservancy Board through this document. See also response to Comment A6-8. This comment is not directed at the adequacy or completeness of the EIR analysis; therefore, no further response is required.

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	the river below the ordinary high-water mark. This leaves potential for the river to serve as an internal entryway into Parkway lands, regardless of whether external access to these lands is open or closed to the public. As such, for acquired Parkway lands currently closed to external public access, Commission staff encourages MPU policies to have some allowance for development of basic riverside support facilities for non-motorized boating (i.e., trash cans, restrooms, rest areas, etc.). Boating use of the river should be managed equally and in balance with the goals and policies of the MPU for natural resource conservation, and in consideration of private property adjacent to the Parkway. This would also help implement the goals and objectives of the San Joaquin River Water Trail; see Item 8 below.	
A6-13	<p><u>San Joaquin River Water Trail (SJRWTR)</u>: The San Joaquin River is the second longest river in California, making it essential to the economic well-being and quality of life for San Joaquin Valley residents. The SJRWTR is a component of the San Joaquin River Blueway (Blueway) Program, sponsored by the San Joaquin River Partnership. The Blueway is a mosaic of parks, wildlife refuges, and other publicly accessible places that provide the public an opportunity to explore and enjoy the San Joaquin River from its headwaters to the Delta. A major goal of the Blueway is to work with agencies and other partners to facilitate implementation of the Blueway through ongoing local, regional, and state planning efforts and policy development, and through San Joaquin River Restoration Program projects, as appropriate to improve access to the river in the near term (www.sanjoaquinriverpartnership.org). The SJRWTR is envisioned to link existing and future sites that provide public access, such as existing sites located near Fresno along the Parkway.</p> <p>Chapter 5, Figure 5-11, of the MPU identifies future projects that may occur within the Parkway, which includes development of a river boating trail (a segment of the conceptual Blueway) for non-motorized watercraft. The river trail would consist of interspersed boat launch and takeout areas with boat trailer parking, hand-carried boat launch and take-out areas, canoe docks, rest stops with picnic tables and restrooms,</p>	The comment supports and recognizes that the planned Parkway non-motorized boating trail, as described in the Parkway Master Plan Update, is part of a larger effort by various parties to create a continuous San Joaquin River water trail or blueway. This comment is not directed at the adequacy or completeness of the EIR analysis; therefore, no further response is required.

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	and boating facilities on internal ponds. The Commission supports inclusion of the boat trail as a planning effort contemplated with the MPU. However, rather than labeling this effort as part of a proposed boat trail, a stronger alliance could be made by directly identifying this effort as implementation of the SJRWT. The River West Fresno, Eaton Trail Extension Project is an important planning effort within the Parkway, to further accommodate SJRWT goals; see Item 9 below.	
A6-14	9. <u>River West Fresno, Eaton Trail Extension Project</u> : Alternatives 1 and 5 of the Eaton Trail Extension Project propose many of the facilities that are needed to support the SJRWT within the Parkway, including roadway access and parking, restroom, and trash containers in close proximity to the river, and other park facilities to support boating use of the river. As explained in the Commission's April 17, 2017, comment letter on the Eaton Trail Extension Project, the Commission staff supports Alternative 1 in combination with sub-alternative 5e, as the optimum project proposal for boating access to the river and to maximize the siting of these facilities on state land. It also serves as an important project to provide new public access facilities, such as road and parking access to the Parkway.	Please refer to Master Response #1, which addresses the Eaton Trail Extension Project and EIR and corresponding revisions to the Master Plan Update.
A6-15	10. <u>California Statutes for Public Access</u> : The MPU proposes rehabilitation and development of new bridges across the river. Figure 3-14 of the Draft EIR identifies 14 potential Parkway river crossings. For bridge construction projects over navigable rivers, California Streets and Highways Code sections 84.5, 991, and 1809 requires city and county governments, and the California Department of Transportation to prepare a report on the feasibility of providing public access to the river, and a determination on whether such access shall be provided. The Conservancy is encouraged to closely monitor construction projects for existing and new bridges within the Parkway, to enhance public access through conformance with Streets and Highways Code requirements for public access.	The Conservancy routinely coordinates with the noted agencies relating to plans, modifications, and construction of bridges to promote public access and Parkway development. This comment is not directed at the adequacy or completeness of the EIR analysis; therefore, no further response is required.
	Sections 66478.1 and 66478.4 through 66478.8 of the California Subdivision Map Act require provisions for local agencies to provide	As noted in Section 2.4.1 in the Parkway Master Plan Update, the Conservancy does not have land use regulatory authority. The

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	reasonable public access to a public waterway, river, or stream prior to approving a tentative or final map of any proposed subdivision to be fronted upon such a waterway. The Conservancy is encouraged to closely monitor property subdivision proposals adjacent to the Parkway for conformance with these sections of the Subdivision Map Act. The Conservancy is also encouraged to closely monitor other development projects adjacent to and within the Parkway, for potential impacts on public access and recreation facilities within the Parkway, for example, by identifying fair arguments pursuant to CEQA to require improvements to existing recreation facilities or new facilities as mitigation for such impacts.	<p>Conservancy monitors, reviews, and comments on proposed developments within the Parkway planning area to encourage local agencies to enforce the Subdivision Map Act, and incorporate in conditions of approval public access in accordance with their General Plan policies, as noted, for example, in the following Policies in the proposed Master Plan Update:</p> <p>Policy HABITAT.1 - Recommend to local land use agencies requirements, conditions, and mitigation measures consistent with the Parkway Master Plan for proposed projects that are in or adjacent to the Parkway Plan area, or may be affected by the Parkway.</p>
A6-16	<p>Transportation/Parking</p> <p>11. Chapter 6 of the MPU identifies the following goal and policy for the Public Access and Recreation section:</p> <p><i>Goal: Provide river access and high quality recreation areas and facilities to meet recreational and environmental educational needs while conserving natural and cultural resources.</i></p> <p><i>ACCESS.19: Provide sufficient on-site parking at each public recreational facility for the desired usage level during peak periods and to meet the parking recommendations of the affected local jurisdiction.</i></p> <p>Parking facilities and staging areas intended to support non-motorized boating access to the river must be sited relatively close to the river. The Draft EIR for the River West Fresno, Eaton Trail Extension project proposed only one alternative (Alternative 5 and more specifically sub-alternative 5e) that provided parking facilities close to the river. In support of the above goal and policy and to ensure appropriate siting of boating access facilities, Commission staff encourages development of an MPU policy that acknowledges the need to locate boating access support facilities within reasonably close proximity to the river, and in balance with other policies for resource protection or that prohibit development near the river.</p>	<p>As the Parkway Master Plan is implemented on a 22-mile reach of the river, some projects will provide greater opportunities than others for development of specific types of facilities, such as vehicle access proximate to the river to facilitate hand-carrying boats to a launch. As suggested by the commenter, under the Master Plan it is not envisioned that each Parkway site would include all types of features or facilities described in the MPU. Boating launch facilities will be disbursed throughout the Parkway at locations evaluated and determined to be feasible and safe and that best provide public vehicle access near the river. This comment is not directed at the adequacy or completeness of the EIR analysis; therefore, no further response is required.</p>

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A6-17	Thank you for the opportunity to comment on the MPU and Draft EIR. As a trustee agency, Commission staff requests that you consider our comments prior to certification of the Final EIR. Please provide a copy of the Final EIR, Mitigation Monitoring and Reporting Program, and public hearing notice for consideration of the MPU and EIR certification by the Conservancy Board when they become available. Please refer questions concerning environmental review to Jason Ramos, Senior Environmental Scientist, at (916) 574-1814 or via e-mail at Jason.Ramos@slc.ca.gov. For questions concerning Commission leasing jurisdiction, please contact Randy Collins, Public Land Management Specialist, at (916) 574-0900 or via e-mail at Randy.Collins@slc.ca.gov.	This statement serves as a closing remark. A copy of the Final EIR, Mitigation Monitoring and Reporting Program, and public hearing notice for consideration of the MPU and EIR certification by the Conservancy Board will be provided when they become available as requested by commenter. No additional response is required.
A7	David Padilla, Associate Transportation Planner, Caltrans, District 6	
A7-1	<p>Thank you for including Caltrans in the environmental review process for the project referenced above. To ensure a safe and efficient transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize the multimodal transportation network.</p> <p>We provide these comments consistent with the State's smart mobility goals that support a vibrant economy, and build communities, not sprawl. The following comments are based on the proposed San Joaquin River Parkway Master Plan Update (proposed Project or proposed Plan) Update Environmental Impact Report prepared by Placeworks, dated April 2017:</p> <p>Caltrans concurs with Mitigation Measure TRAF-1: <i>"If a future project implemented under the proposed Plan is estimated to generate daily or peak hour volumes of traffic that trigger requirements of a state or local agency to prepare a site access, circulation, and traffic study, the Conservancy shall consult with the respective agency..."</i> As such, the Conservancy should route projects for our review and comment.</p>	The Parkway Master Plan Update is a programmatic plan and the EIR is also at a program level. Each subsequent project developed under the Master Plan will be subject to site-specific, project-specific environmental review. This comment supports Mitigation Measure TRAF-1 and is noted for future Parkway projects that would require Caltrans' review. This comment is not directed at the adequacy or completeness of the EIR analysis; therefore, no further response is required.

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A8	Supervisor Andreas Borgeas, County of Fresno, Board of Supervisors	
A8-1	<p>As Chairman of the Conservancy and member of the Fresno County Board of Supervisors, please include and consider the following comments and attached documents regarding the Master EIR.</p> <p>While the Master EIR does not have the same level of detail on public access as the River West Project's Draft EIR, there are references in the Master EIR that could contemplate public access and parking at Riverview. Accordingly, I would like to restate the concerns and objections of my office and the Fresno County Department of Public Works and Planning to any such contemplation of vehicular access or public parking at Riverview. Specifically, please refer to comments #2 and #3 on Attachment 1 and to the relevant sections of the Department of Public Works and Planning comments (Attachment 2) that identify legal and policy conflicts with the City of Fresno's General Plan.</p> <p>In summary, I appreciate the opportunity to comment on the Master EIR and please incorporate this letter with its attached documents into the public record.</p>	<p>Please refer to Master Response #1, which addresses the River West Fresno, Eaton Trail Extension Project and EIR and corresponding revisions to the Master Plan Update. The proposed Plan Figure 5-7 shows a walk-in bike-in access point to the City of Fresno's existing Bluff Trail at Riverview Drive and does not show a vehicle entrance to River West at Riverview Drive or on-site parking accessed from Riverview Drive, which accurately reflects the approved project. Please also refer to the <i>Final EIR for the River West Fresno, Eaton Trail Extension Project</i>, where these concerns were more specifically addressed in response to comments on that project. This comment is not directed at the adequacy or completeness of the EIR analysis; therefore, no further response is required.</p>
A9	Chris Acree, Cultural Resources Analyst, Dumna Wo Wah Tribal Government	
A9-1	<p>Hello Melinda,</p> <p>I am writing in hopes you will consider some additional comments on the Master Plan update project. We were unable to submit comments in a timely manner, but hope you will consider including these few items. A reference to AB 52 tribal consultations guidelines is referenced in several summary documents included as attachments. This is legislation became effective July 1, 2015 and requires resource agencies to consult with tribes prior to release of environmental documents. Also, Figure 4.5-1 needs to be removed from the document and from all digital sources available to the public as it releases the confidential locations of Dumna and other tribal cultural resources in violation of State law. Thank you and sorry for the late response.</p>	<p>The Conservancy provided notice for the Draft EIR consistent with the requirements in State CEQA Guidelines Section 15082. The Conservancy prepared and released a Notice of Preparation (NOP) in June 2013 that was submitted to the State Clearinghouse, along with a Notice of Completion (NOC) that listed the agencies to which the NOP should be distributed for input. The Native American Heritage Commission was listed on the NOC as an agency to receive a copy of the NOP for distribution.</p> <p>Please note that the NOP was released before enactment of Assembly Bill (AB) 52, which requires a lead agency to consult with a tribe regarding any proposed project subject to CEQA in the geographic</p>

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		<p>area with which the tribe is traditionally and culturally affiliated. AB 52 applies to all NOPs and notices of intent to prepare a negative or mitigated negative declaration filed on or after July 1, 2015. In the case of the proposed project, the NOP was filed in June 2013. The Parkway Master Plan Update and EIR are programmatic documents, and each subsequent project will require site-specific, project-specific environmental review, with proper consultation with tribal interests as required by AB 52.</p> <p>As shown in Chapter 3 of this Final EIR, Figure 4.5-1 in Section 4.5, Cultural Resources, in the Draft EIR was deleted per the commenter's request.</p>
PRIVATE INDIVIDUALS & ORGANIZATIONS		
B1	Sharon Weaver, Executive Director, San Joaquin River Parkway and Conservation Trust, Inc.	
B1-1	Over the past 29 years the San Joaquin River Parkway & Conservation Trust has worked cooperatively with the Conservancy to protect land, provide programs, and construct and manage improvements throughout the Parkway reach of the San Joaquin River. We applaud the Conservancy's efforts to implement the Parkway in a challenging political and economic climate.	The commenter's appreciation for the Conservancy's efforts is noted. The comment serves as an opening remark and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. No further response is required.
B1-2	<p>The Parkway Master Plan Update and Draft EIR contain comprehensive background information and strive to balance the need to provide public access while protecting sensitive resources. With that approach in mind, we submit the following recommended changes:</p> <p>1. Identify existing locations of intensive use in addition to areas of future improvements.</p> <p>The current draft identifies just three areas as having the potential for the most intensive uses and facility improvements: Lost Lake Park, Madera River West, and River Vista. This fails to include several areas of existing use and existing and pending improvements including Sumner</p>	Chapter 3, Project Description, of the Draft EIR, provides information on the overall components of the Project, including future plans for all the existing publicly-owned Parkway lands. Section 3.4.3, Plans for Existing Publicly Owned Parkway Lands, describes all the facilities along the Parkway, including existing facilities and planned improvements. In addition, Figures 3-1 through 3-12 illustrate the existing, planned, and conceptual opportunities for features and improvements Parkway-wide. With the exception of the Sumner Peck Ranch Winery, Cobb Ranch (now Panoche Creek Ranch), and the Fresno County Horse Park—all of which are private commercial operations, and not publicly owned—the other facilities listed in the comment are included in the Project Description of the Draft EIR, and

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	Peck Ranch Winery; Coke Hallowell Center for River Studies (a.k.a. River Center; referenced in the previous plan as the Williams-Phillips residence); Owl Hollow; Cobb Ranch; Jensen River Ranch; Fresno River West; Scout Island Education Center; and Fresno County Horse Park. Recognition of these existing facilities and uses is critical for the accurate evaluation of cumulative environmental impacts.	<p>potential impacts resulting from future improvements in these areas are addressed in the Draft EIR.</p> <p>As described in Chapter 4 of the Draft EIR, on page 4-2, under Cumulative Impact Analysis, “A cumulative impact consists of an impact created as a result of the combination of the project evaluated in the EIR, together with other reasonable foreseeable projects causing related impacts.” As the Coke Hallowell Center for River Studies, Owl Hollow, Jensen River Ranch, and River West Fresno sites, are all considered part of the proposed Project, they are included in the cumulative analysis, as appropriate, for each of the environmental topics addressed in the Draft EIR.</p>
B1-3	<p>2. Preservation of prime farmland should be a goal of the Parkway Master Plan and mitigation measures requiring in lieu fee payment for farmland mitigation should be incorporated.</p> <p>We are uncertain how the Conservancy can consider the conversion of prime farmland a significant and unavoidable impact. There are numerous mitigation measures in use around the State of California and the United States that can be used to preserve farmland. These include in lieu fee mitigation for the protection of offsite farmland, contract farming, and farming and grazing leases. Agriculture, wildlife, and recreation are compatible uses of the San Joaquin River environs, and we encourage the Conservancy to incorporate such mitigation measures in the EIR.</p>	<p>As noted in Section 4.2, Agriculture and Forestry Resources, on page 4.2-11, under Mitigation Measure AG-1, the Draft EIR notes that the farmland in the Parkway Plan Area may remain in agriculture, or may be offered for sale to the Conservancy, and that avoiding the acquisition of agricultural lands could interfere with the ability achieve the Parkway goals and objectives. Furthermore, the Agricultural Resource Policies in the Parkway Master Plan encourage construction and management practices that are compatible with agricultural uses, and encourage the preservation of agricultural uses. As shown in Chapter 3 of this Final EIR, and provided below, Mitigation Measure AG-1 has been revised to address the loss of farmland in the Parkway Plan Area. The revision of this text does not change the Significant and Unavoidable conclusion in the Draft EIR and does not require recirculation of the document.</p> <p>AG-1: No mitigation measures are feasible to reduce the potential impact to <u>less than significant levels</u>. The intent of the Plan is to enhance recreational opportunities and create habitat conservation areas within the Parkway Plan Area. The farmland in the Parkway Plan Area may remain in agriculture, or may be offered for sale to the Conservancy, evaluated for acquisition, and may be acquired. Avoiding the acquisition of offered agricultural lands could interfere with</p>

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		achievement of Parkway goals and objectives.
		<u>As part of the process for each individual site-specific development project under the Parkway Master Plan Update, an applicable agricultural in-lieu mitigation fee for each acre of prime farmland to be developed shall be paid by the Conservancy at the time that agricultural land is to be developed or converted to non-agricultural uses, to an entity or agency holding or facilitating agricultural conservation easements within the region.</u>
		<u>Notwithstanding the above commitment,</u> in order to implement the Plan, conversion of farmland to non-agricultural uses would not be reduced to a less-than-significant level, and the Project's impacts in this regard would be <i>significant and unavoidable</i> .
B1-4	As the stakeholder organization that spearheaded the effort to create the San Joaquin River Parkway and participated in the formation of the Conservancy, we are pleased to see the Conservancy carrying out its mission with this update of the Parkway Master Plan.	This statement serves as a closing remark and no additional response is required.
B2	Robert Snow, President, Fresno Audubon Society	
B2-1	The Fresno Audubon Society (FAS) was founded in 1966. Its mission is to engage local communities in building a sustainable environment through education, science and advocacy. The Society advocates for the protection of birdlife and the conservation/restoration of habitat. It is from this perspective that FAS offers the following comments on the Draft EIR prepared for the update of the Parkway Master Plan.	The comment serves as an opening remark and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. No further response is required.
B2-2	FAS has had a long and treasured association with the Parkway. For example, in February 1970, FAS members initiated and then helped construct the .5 mile " <i>Lost Lake Nature Trail</i> " within Lost Lake Park. The park is one of the best birding locations within the Parkway, and it serves as the physical center for an intensive bird survey conducted once each year by FAS members during the Audubon Christmas Bird Count.	The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. No further response is required.
B2-3	FAS members have helped identify 23 birding "hot spots" within the Parkway. Those locations are depicted in the National Audubon eBird database (http://ebird.org), a real-time online checklist program	The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. No

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	launched in 2002 by the Cornell Lab of Ornithology and the National Audubon Society.	further response is required.
B2-4	<p>Comments on Master Plan Update – Appendix C: ESA/CESA Compliance Strategy</p> <p>Appendix C contains an ESA/CESA Compliance Strategy “<i>White Paper</i>” prepared by H. T. Harvey and Associates.</p> <p>Birds present in the Parkway may be affected by individual or cumulative Parkway Plan actions. As the white paper points out, because most birds are protected by the federal Migratory Bird Treaty Act (MBTA) and by the Fish and Game Code, and because there is no mechanism for permitting the incidental take of these species, impacts to birdlife must be avoided at all costs.</p> <p>To avoid the potential for adverse effects on bird species and their habitats, H. T. Harvey recommends that the Conservancy develop a long-term “conservation strategy” that not only summarizes conservation priorities and describes a coordinated approach to conservation efforts but also addresses uniform and consistent project-level best management practices that avoid, minimize and/or mitigate potential adverse impacts.</p>	<p>As noted in Section 4.4, Biological Resources, of the Draft EIR, on page 4.4-62 under Impact BIO-1, the proposed Plan contains goals, objectives, policies and design guidelines and Best Management Practices (BMPs) to avoid and minimize short- and long-term adverse effects on special-status plant and animal species, and to ensure that resources are protected, enhanced, and restored in the future. The Draft EIR also includes specific mitigation measures intended to avoid, minimize, and mitigate potential impacts to the valley elderberry longhorn beetle or habitat, California tiger salamander, Kern Brook lamprey, San Joaquin roach, western pond turtle, western spadefoot aquatic habitat, the regional burrowing owl population, threatened and endangered bat species, riparian and essential fish habitat, vegetated wetlands and unvegetated aquatic habitats.</p>
B2-5	<p>H. T. Harvey further suggests that the conservation strategy be as broad as possible – that it address not only federal/state listed species and species of special concern but also the large number of bird species inhabiting the Parkway that are protected under the MBTA and/or the California Fish and Game Code.</p> <p>FAS wholeheartedly agrees and strongly encourages the Conservancy to develop a conservation strategy in support of a healthy, contiguous wildlife habitat corridor that integrates migratory bird conservation principles, measures and practices.</p>	<p>The comment supports a recommendation in Appendix C of the proposed Master Plan and Master Plan policy HABITAT.12, for the Conservancy to create a Parkway-wide framework conservation strategy. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. No further response is required.</p>
B2-6	Comments on Draft EIR – Section 4.4: Biological Resources	This information has been incorporated in a revised Table 4.4-5 as

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	<p>Table 4.4-5 in the “Biological Resources” section of the Draft EIR provides an inventory (July 2013) of federal and state special-status species that may inhabit the Parkway.</p> <p>The table lists the following 14 bird species: bald eagle, golden eagle, Swainson’s hawk, northern harrier, American peregrine falcon, white-tailed kite, burrowing owl, long-eared owl, loggerhead shrike, yellow warbler, yellow-breasted chat, tricolored blackbird, yellow-headed blackbird and grasshopper sparrow.</p> <p>FAS respectfully offers updated information about birdlife within the Parkway.</p> <ul style="list-style-type: none"> • Bald eagle The table states that bald eagles are “absent as breeder.” To the contrary, bald eagles successfully raised a brood of chicks this year at Rank Island. This was witnessed by George Folsom, who serves on the boards of both the Fresno Audubon Society and the San Joaquin River Parkway and Conservation Trust. • Swainson’s hawk The table states that Swainson’s hawks are “absent as breeder.” To the contrary, Swainson’s hawks were observed at Ball Ranch by Clary Creager throughout the months of June and July 2016 caring for (feeding) two juveniles. Ms. Creager has taught birding classes for FAS and is now a natural science instructor at the Scout Island Outdoor Education Center (program of the Fresno County of Office of Education). • Burrowing owl The table states that burrow owls “may be present” in the Parkway. In fact, burrowing owls have been observed at Lost Lake Park and at Jensen Ranch. On March 30, 2012, personnel from the Department of Fish and Wildlife (then DF&G) set out boundary markers around a site at Lost Lake Park where burrowing owls were occupying ground squirrel burrows. A burrowing owl was observed January 25, 2016 at Jensen River Ranch by George Folsom. 	<p>shown in Chapter 3 of this Final EIR. The added sightings contribute to, but do not change the conclusions regarding impacts to biological resources in the Draft EIR.</p>

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B2-7	In closing, FAS is pleased to provide the attached list of bird species observed within the Parkway boundary over the past 4½ years (January 2013 through June 2017). That list of 203 species in 52 families was compiled from the Cornell University eBird database and from the personal records of FAS members.	The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. No further response is required.
B3	John P. Kinsey, Wagner Jones Helsley PC	
B3-1	My law firm represents the San Joaquin River Access Coalition (the "Coalition"), an organization comprised of homeowners who reside west of State Route 41 and north of Nees Avenue within the City of Fresno. I am writing to provide comments on behalf of the Coalition on the Draft Environmental Impact Report, State Clearinghouse No. 2013061035 (the "Draft EIR") for the San Joaquin River Conservancy's ("Conservancy") proposed San Joaquin River Parkway Master Plan Update (the "Master Plan").	The comment serves as an opening remark and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. No further response is required.
B3-2	I. INTRODUCTION My office has previously submitted comments to the Conservancy on behalf of the Coalition regarding the River West Fresno, Eaton Trail Extension Project (the "River West Project"). The Coalition requests that this letter be considered as a comment letter on both the Master Plan and the River West Project. I am also enclosing for your convenience copies of my prior correspondence on the Draft Environmental Impact Report for the River West Project, as if set forth fully herein, as those comments are also germane to the Draft EIR for the Master Plan (See Exhibits "1" and "2".)	Please refer to Master Response #1, which addresses the River West Fresno, Eaton Trail Extension Project and EIR and corresponding revisions to the Master Plan Update.
B3-3	The Coalition is submitting this comment letter because the Master Plan continues to contemplate potential access at Riverview Drive, and a trail alignment that is far away from the San Joaquin River. (See, e.g., Draft EIR, Figures 3-4, 3-9.) In addition, the Draft EIR for the Master Plan is defective in several material respects, and contains conclusions and analyses that are inconsistent with those stated in the Draft EIR for the Fresno River West Project. As a result, the Draft EIR for the Master Plan should not be certified until it is substantially revised and recirculated for public comment.	Please refer to Master Response #1, which addresses the River West Fresno, Eaton Trail Extension Project and EIR and corresponding revisions to the Master Plan Update. See also response to Comment A8-1 regarding the access point at Riverview Drive.

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	As I have previously explained, the Coalition is eager to see access to the San Joaquin River become a reality. The Coalition, however, is disappointed that this important project continues to be delayed due to substantial deficiencies in the environmental review process, and the Conservancy's insistence upon access that is contrary to the City of Fresno's 2035 General Plan.	
B3-4	<p>II. DISCUSSION</p> <p>A. The Conservancy Must Revise the Land Use Impacts Analysis to Analyze the Master Plan's Consistency with the City of Fresno 2035 General Plan and Other Plan-Level Documents</p> <p>1. The Draft EIR Impermissibly Fails to Analyze the Master Plan's Consistency with the City of Fresno's Existing General Plan, and Instead Focuses on an Outdated, Superseded General Plan Adopted in 2002</p> <p>CEQA requires agencies to evaluate the land use and planning impacts associated with projects proposed under CEQA. In its evaluation of this issue, a lead agency must ask whether the proposed project would:</p> <p>Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (CEQA Guidelines, Appendix G.)</p> <p>There are several portions of the Draft EIR for the Master Plan that address issues within the scope of the City of Fresno's plan-level documents, including the City's General Plan. While some discussion includes reference to the City's 2035 General Plan Update, other sections of the Draft EIR do not. (See, e.g., Draft EIR at 4.1-5 [aesthetics].) In fact, while the land use analysis refers to the City's 2035 General Plan Update (which was approved in 2014), (Draft EIR at 4.10-3), the Draft EIR then inexplicably discusses only the City's superseded 2025 General Plan that was adopted in 2002. (See Draft EIR at 4.10-7.)</p>	<p>During preparation of the Draft EIR for the Master Plan Update, the City of Fresno updated the Fresno General Plan. Appendix I of this Final EIR includes an updated listing of relevant goals and policies of the City of Fresno 2035 General Plan Update, and an updated summary of consistency between the Parkway Master Plan Update and the General Plan. The updated analysis concludes that the Master Plan Update does not conflict with relevant policies in the General Plan, which is the same conclusion reached in the original Draft EIR analysis. This updated information does not require recirculation per CEQA Guidelines Section 15088.5(b).</p>

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	<p>There are several problems with this approach. First, the 2025 General Plan adopted in 2002) is no longer applicable, and is not part of the existing environmental conditions.</p> <p>In addition, using a 15-year old, superseded General Plan - rather than the existing 2035 General Plan - is inconsistent with the Conservancy's obligations under State law, which require the Conservancy to conform its project to the City's existing land use documents. (See Govt. Code., §§ 53090, 65402; see also <i>Friends of the Eel River v. Sonoma County Water Agency</i> (2003) 108 Cal.App.4th 859, 880-81.)</p> <p>Moreover, the Draft EIR for the Master Plans shifts between discussions of the 2025 General Plan and the 2035 General Plan Update. To ensure internally consistent analyses, and an environmental baseline that does not shift between different sections of the Draft EIR, the Draft EIR for the Master Plan should evaluate all impacts against the currently operable 2035 General Plan Update passed in 2014, as opposed to the stale and inapplicable 2025 General Plan adopted by the City in 2002.</p> <p>Furthermore, the issue of land use is not treated consistently across the Conservancy's currently-pending environmental documents. Specifically, while the Draft EIR for the Master Plan recognizes the existence of the 2035 General Plan, it does not analyze the Master Plan's consistency with this document, instead focusing solely on the 2025 General Plan adopted in 2002. In contrast, the Draft EIR for the Fresno River West Project analyzes that project's conformity with the 2035 General Plan (although it omits discussion of critical issues, including access restrictions under Policy POSS-7-g). Because both documents are being considered concurrently, and include overlapping factual issues, the documents should be analyzed using the same methodologies and the same set of facts.</p> <p>To the extent the Conservancy contends the 2035 General Plan was adopted after the Notice of Preparation was issued, such a position would be legally erroneous. First, the 2035 General Plan is referenced throughout the document in other areas, and considering the 2035</p>	

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	General Plan in some areas but not others would lead to an internally inconsistent, confusing, and incomprehensible document. In addition, the 2035 General Plan is not a new development; rather, it was enacted over two and a half years ago in December 2014. Thus, the Conservancy has had over two years to incorporate the policies and objectives of the 2035 General Plan into its Draft EIR, and any argument that the 2035 General Plan should be disregarded would be based solely on the fact that the NOP is stale. Moreover, because the 2035 General Plan policies directly contradict Alternatives 1 and 5 for Fresno River West (and its incorporation into the Master Plan), the Conservancy cannot argue use of the 2035 General Plan would not change the findings in the Draft EIR with respect to the land use and other impacts of Alternative 1. (<i>Cf. Citizens for Open Govt. v. City of Lodi</i> (2012) 205 Cal.App.4th 296, 319.)	
B3-5	<p>2. The Master Plan is Inconsistent with the City's 2035 General Plan & Other Applicable Plan-Level Documents</p> <p>In its April 13, 2017, submission regarding the Draft EIR for the Fresno River West Project, the Coalition raised extensive concerns regarding the fact that the Fresno River West Project was inconsistent with the City of Fresno's 2035 General Plan Update and the Bullard Area Plan. Most of those comments concerned access at Riverview Drive, which is also contemplated as a potential point of access under the Master Plan. As such, the same comments are applicable to the Draft EIR for the Master Plan. (See Exhibit "A" of Exhibit "1" at 3- 6.)</p>	Please refer to Master Response #1, which addresses the River West Fresno, Eaton Trail Extension Project and EIR and corresponding revisions to the Master Plan Update, and the response to Comment A8-1. Please also refer to the <i>Final EIR for the River West Fresno, Eaton Trail Extension Project</i> where these concerns were more specifically addressed in response to more specific comments submitted on that project.
B3-6	<p>3. The Master Plan and Alternatives Nos. 1 & 5 of the Fresno River West Project Are Inconsistent with the City's 2025 General Plan</p> <p>Even if the 2025 General Plan were the relevant land use document - and it is not - the Master Plans (and Alternatives 1 and 5 of the Fresno River West Project) would be inconsistent with several of those policies:</p> <ul style="list-style-type: none"> • Policy F-7-b requires a consultative public planning process, which includes "land owners, and interested members of the community." The process must "be used to achieve the greatest degree of consensus possible in the community in an attempt to meet parkway, local jurisdiction, and landowner needs on mutually acceptable terms." Here, 	Please refer to Master Response #1, which addresses the River West Fresno, Eaton Trail Extension Project and EIR and corresponding revisions to the Master Plan Update, and the response to Comment A8-1. Please also refer to the <i>Final EIR for the River West Fresno, Eaton Trail Extension Project</i> where these concerns were more specifically addressed in response to comments submitted on that project.

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	<p>the Master Plan continues to contemplate access at Riverview Drive, despite that virtually all stakeholders - except the Parkway Trust - have expressed a desire to afford the Conservancy access at the Palm & Nees intersection via Alternative 5b.</p> <ul style="list-style-type: none"> • Policy F- 7-e requires collaboration with the City of Fresno. Here, the Master Plan continues to contemplate access at Riverview Drive, which is opposed by the City of Fresno (and contrary to its 2035 General Plan Update). Rather than engaging in a collaborative process, Alternative 5 was selected by Conservancy staff as the Palm and Nees alternative in the Draft EIR, even though the easement underlying the access road requires reciprocal access at Riverview Drive (again, contrary to the wishes of the City of Fresno, and a public record indicating that the underlying landowner is not a willing seller). As such, the Master Plan is not reflective of the collaborative process required by Policy F-7-e. • Objective F-11 requires that agencies such as the Conservancy minimize impacts from parkway facilities and uses upon private property. Here, the Master Plan contemplates potential access at Riverview Drive, yet that access point would contemplate improvements, including a potential roundabout, at the Del Mar/ Audubon intersection, which would result in several residences being removed. (See Exhibit "A" of Exhibit "1" [enclosed traffic report].) In addition, access at Riverview would result in increased traffic at an already dangerous and problematic intersection. The only way to resolve this would be to decline to use Riverview for public vehicular access, and instead use the more logical access point at the existing intersection of Palm and Nees. • Policy B-3-a requires coordination with relevant agencies and special districts to ensure consistency with Fresno General Plan policies and programs. The Master Plan is inconsistent with this policy because the City's current plan-level documents (adopted in 2014) prohibit vehicular access at Riverview Drive. 	
	<ul style="list-style-type: none"> • Objective F-11 also requires that intensive recreational activity sites will be distanced from private residences with visual screening. There is nothing in either the Draft EIRs for the Fresno River West Project or the Master Plan that ensures no such impacts would occur; rather, the 	<p>Please refer to Section 4.1.3, Aesthetics, of the Draft EIR for a discussion on the impacts of the Project on visual character along the Parkway Plan Area.</p>

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	evidence shows the impacts would be substantial.	
B3-7	<p>4. The Draft EIR Should Be Revised to Discuss the Consistent of The Master Plan with the City of Fresno's San Joaquin River and Bluff Protection Initiative</p> <p>In 2010, the Fresno City Council adopted the San Joaquin River and Bluff Protection Initiative (the "Initiative"), which governs development along the San Joaquin River between S.R. 99 and S.R. 41. A copy of the Initiative is attached as Exhibit "3." The Initiative includes regulations concerning vehicular access, maintenance of the bluff area, and use of the area by members of the public. The Conservancy is subject to the Initiative under state law. (See Govt. Code., §§ 53090, 65402.) As such, the Conservancy should revise the Draft EIR to discuss the Conservancy's compliance with the Initiative.</p>	<p>The initiative is a City Ordinance that applies specifically to the area between Highway 41 and Highway 99 on the river and within the City limits. As noted by the commenter, City ordinances are enforceable by public safety officers on lands owned by the state, local agencies, and private entities. The ordinance regulates Parkway hours of operation, the provision and maintenance of defensible space (firebreaks and weed abatement) for structures, and activities such as prohibiting the use of fireworks and campfires along the river. The prohibitions and restrictions in the ordinance clearly apply to the existing and proposed Parkway operations and the public using the Parkway within the subject area. The ordinance is existing and not a proposed action.</p>
B3-8	<p>B. The Traffic Analysis in the Draft EIR is Incomplete and Unsupported by Substantial Evidence, and Must be Revised and Recirculated</p> <p>The Draft EIR includes a section concerning Transportation and Traffic, which purports to describe "the analysis of transportation conditions to assess potential circulation and traffic related impacts of the "Master Plan. (Draft EIR at 4.15-1.) In support of this analysis, the Conservancy received an "Existing Conditions Report" dated October 2012. Neither of these documents are sufficient to discharge the Conservancy's obligations under CEQA.</p> <p>First, the "Existing Conditions" report is outdated, and will be over five years old by the time the Conservancy acts on the Draft EIR and the Master Plan. Since the Existing Conditions Report was prepared, the City of Fresno has adopted a new 2035 General Plan, which concerns much of the area that is the subject of the Existing Conditions Report. Moreover, since the 2012 Existing Conditions Report was prepared, the local economy (which remained largely stagnant following the recession) has made a recovery, and there are several new and proposed developments in the vicinity of the San Joaquin River trail, including but not limited to the Tesoro Viejo development project in Madera County;</p>	<p>The NOP for the Parkway Master Plan Update was issued June 17, 2013. As noted in the CEQA Guidelines, in Section 15125 (a), "An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published...", therefore, the existing traffic conditions noted in Section 4.15, Traffic and Transportation of the Draft EIR do not need to be updated.</p> <p>Furthermore, Section 4.15, Transportation and Traffic in the Draft EIR, provides a programmatic evaluation of potential impacts of implementing the Parkway Master Plan Update, by focusing on trip generation associated with the 22 existing, planned, or possible vehicular access points along the Parkway Plan Area. On page 4-15-14, the report notes that the majority of trips generated by the Project will occur on weekends and holidays, and not during the weekday peak traffic hours (7:00 a.m. - 9:00 a.m. and 4:00 p.m. - 6:00 p.m.). The report also notes on page 4.15-21 that future improvements within the Parkway Plan Area are projected to result in up to 5,040 new trips, which would be spread out over the length of the Parkway Plan Area, and would be distributed over a large street network. Most</p>

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	the Friant Ranch project in the County of Fresno; additional development in the vicinity of Friant, California; additional development along the Copper Avenue corridor; new development between Fresno Street and Audubon Drive on Friant Road; new development in the Palm Bluffs area; and new development between Palm Avenue and Milburn Avenue along the Herndon Avenue corridor. The traffic report as drafted is stale, and should be revised to account for the development that has occurred over the last five years.	importantly, the report also notes that the projected peak hour trips at the 22 existing and proposed access locations would be less than 50 peak hour trips during the weekend peak hour, and that no impacts are anticipated to occur as the peak trip estimate would be lower than the trip generation thresholds for all the jurisdictions along the Parkway Plan Area. The Parkway Master Plan Update is a programmatic plan and the EIR is also at programmatic level of review. Each subsequent project developed under the Master Plan will be subject to site-specific, project-specific environmental review. Mitigation Measure TRAF-1, requires that the Conservancy consult with local agencies if a future project would generate daily or peak hour traffic volumes that exceed the jurisdiction's trip generation threshold to prepare a specific traffic study for the improvement.
B3-9	The traffic report also focuses unduly on "existing conditions." This is of significant concern because the traffic section in the Draft EIR purports to render conclusions about a comparison of so-called "existing conditions" (which are actually 2012 conditions) against the development under the Master Plans; yet, without an analysis of "future plus project" conditions, there is no factual basis - much less substantial evidence - to support any of the conclusions in the traffic section of the Draft EIR.	Please refer to response to Comment B3-8 above.
B3-10	Moreover, although the Draft EIR includes some projections for future traffic generated by the project, there is no indication as to how the Conservancy or its consultants developed these figures. Rather, as with the Draft EIR for the Fresno River West Project, these appear to be generated based on the amount of parking an architect arbitrarily provided for each parking area. In other words, the Draft EIR's traffic analysis is not based on actual demand. As such, there is no evidence to support the trip generation estimates for the Master Plan in the Draft EIR.	The methodology used to estimate trips generated by the Project is explained in Subsection 4.15.2, Trip Generation in the Draft EIR. As noted on page 4.15-14, trip generation rates were based on information from the Institute of Transportation Engineers Trip Generation Manual 9th Edition. Please also refer to the <i>Final EIR for the River West Fresno, Eaton Trail Extension Project</i> for specific responses to comments related to transportation analysis for that specific project.
B3-11	In addition, the Draft EIR (and the traffic report) contain no analysis of	Please refer to response to Comment B3-8 above.

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	any intersections in the vicinity of the San Joaquin River Trail. Rather, the Draft EIR and the traffic report solely include analyses of roadway segments. As explained in the Smith Report attached to the Coalition's earlier comment letter, this is contrary to both standard engineering practice, as well as the City of Fresno's Traffic Impact Study Report Guidelines. (See Exhibit "A" of Exhibit "I" at 2-3.)	
B3-12	Further, as explained above, there are numerous instances where the Master Plan is inconsistent with the relevant plan-level documents. (See <i>supra</i> , § A.) Most importantly, the Draft EIR is inconsistent with City of Fresno Policy POSS-7-g because it contemplates potential vehicular access at Riverview Drive. (See <i>id.</i>) Despite these inconsistencies, Section 4.15.4 of the Draft EIR does not discuss inconsistencies with any plan-level documents, including the City of Fresno's 2035 General Plan.	Please refer to Master Response #1, which addresses the River West Fresno, Eaton Trail Extension Project and EIR and corresponding revisions to the Master Plan Update, and response to Comment A8-1. Please also refer to the <i>Final EIR for the River West Fresno, Eaton Trail Extension Project</i> for responses to comments related to consistency between the City of Fresno General Plan and that specific project.
B3-13	The discussion in the Draft EIR at page 4.15-25 asserts that the Master Plan would not substantially increase hazards due to a design feature. However, the Master Plan contemplates vehicular access at Riverview Drive, which the Conservancy has previously recognized would result in either a roundabout or signalization of the Audubon/Del Mar intersection. (Fresno River West, Draft EIR at 5-16.) In addition to the fact that this mitigation is not feasible, (see Exhibit "A" of Exhibit "I" at 11), a signal would raise significant safety concerns, as the intersection would be shielded visually as motorists accelerate downhill from the S.R. 41 overpass, (<i>id.</i>), and would be adjacent to the driveways of several residences.	Please refer to Master Response #1, which addresses the River West Fresno, Eaton Trail Extension Project and EIR and corresponding revisions to the Master Plan Update. Please also refer to the <i>Final EIR for the River West Fresno, Eaton Trail Extension Project</i> for specific responses to comments related to the traffic analysis for that project.
B3-14	C. The Draft EIR's Discussion of Air Quality Impacts and Mitigation Is Incomplete and Contrary to Law The Draft EIR recognizes that development under the Master Plan would result in criteria pollutant emissions above the thresholds of significance adopted by the San Joaquin Valley Air Pollution Control District (the "District"). (Draft EIR at 4.3-31.) Specifically, the Conservancy contemplates an increase in criteria pollutant emissions associated with project operations in the amount of 28.79 tons per year ("TPY") of reactive organic compounds ("ROG"), ¹ 17.44 TPY of oxides of nitrogen	The commenter is correct that Chapter 4.3, Air Quality, identifies potentially significant construction and operational impacts associated with the Parkway Master Plan. The Parkway Master Plan Update is a programmatic plan and the EIR is also at a programmatic level of review. Each subsequent project developed under the Master plan will be subject to site-specific, project-specific environmental review. Under this programmatic EIR, the construction schedule, phasing, and equipment for specific project level improvements identified in the Parkway Master Plan is unknown, and the EIR should not speculate as

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	<p>("NOx"),² and 80.90 TPY of carbon monoxide ("CO").³ (Id.)</p> <p>The Draft EIR likewise anticipates emissions of NOx and CO associated with construction will exceed District thresholds of significance. (Draft EIR at 4.3-28.)</p> <p>The Draft EIR ultimately concludes the impacts will remain "significant and unavoidable" after mitigation, (Draft EIR at 4.3-33), both at a project level and cumulatively. (See also Draft EIR at 4.3-36.) The Draft EIR also recognizes the Master Plan "would conflict with or obstruct implementation" of the District's "applicable air quality plan." (Draft EIR at 4.3-23.) Although these emissions will cumulatively exceed the District's thresholds, the only "mitigation" contemplated is for the Conservancy to evaluate air quality impacts before the commencement of individual construction projects, and complying with District's regulations for individual projects.</p>	<p>to each of those potential project level impacts. The programmatic level review conservatively assumes significant level of impacts and identifies through Impact AQ-3 several mitigation measures to reduce potential construction and operational impacts of the proposed project. In addition to requiring an air quality study for the future projects under the Parkway Master Plan for construction and operational impacts, Mitigation Measure AQ-3a and Mitigation Measure AQ-3b identify a list of potential measures that can be used to reduce short-term and long-term air quality impacts of the individual development projects below the level of significance identified by the San Joaquin Valley Air Pollution Control District (SJVAPCD). Additionally, Mitigation Measure AQ-3c prohibits new outdoor fire pits, which would substantially reduce the potential increase in air pollutant emissions associated with the project. The commenter does not identify any additional mitigation measures to substantially reduce the project's transportation emissions to lessen or avoid the project's potentially significant unavoidable air quality impacts.</p>

¹ Reactive organic gases ("ROG") are photochemically reactive chemical gases, "composed of non-methane hydrocarbons, that may contribute to the formation of smog." (California Air Resources Board, Glossary of Air Pollution Terms, available at <https://www.arb.ca.gov/html/gloss.htm#R>.)

² NOx is the most important smog-forming emission from man-made sources in some areas of California, including the San Joaquin Valley. Progress in reducing smog depends largely upon reductions in NOx emissions, which are considered "major contributors to smog formation and acid deposition." (17 Cal. Code Regs., § 93118(d)(19).) NOx contributes to the formation of ground-level ozone (smog) in the San Joaquin Valley. (*Calif Building Indus. Assoc. v. San Joaquin Valley Air Pollution Contr. Dist.* (2009) 178 Cal.App.4th 120, 126.) The San Joaquin air basin does not meet the federal ozone standard required under the Clean Air Act; the area was recently designated by the EPA as "extreme" non-attainment for ozone under the federal National Ambient Air Quality standards. (75 Fed. Reg. 24409.)

³ According to the California Air Resources Board, "Carbon monoxide

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	(CO) is a colorless, odorless gas," that "results from the incomplete combustion of carbon-containing fuels such as gasoline or wood, and is emitted by a wide variety of combustion sources." "Exposure to CO near the levels of the ambient air quality standards can lead to fatigue, headaches, confusion, and dizziness. CO interferes with the blood's ability to carry oxygen," and "is especially harmful to those with heart disease, because the heart has to pump harder to get enough oxygen to the body." (California Air Resources Board, <i>Carbon Monoxide</i> , available at https://www.arb.ca.gov/research/aaqs/caaqs/co/co.htm .)	
B3-15	There are several significant concerns with this approach. First, approaching air quality issues on a project-by-project basis will result in applications to the District that, individually, are unlikely to exceed District thresholds. This, of course, would result in little to no mitigation of the projects' significant impacts. To avoid piecemealing, the Conservancy must identify and propose mitigation to bring the impacts of the project, as a whole, down to a less than significant level.	See response to Comment B3-14. The Parkway Master Plan Update is a programmatic plan and the EIR is also at a programmatic level of review. The Mitigation Measures reflect the degree of specificity associated with the programmatic nature of the proposed project. Furthermore, the majority of potential new emissions associated with implementation of the Parkway Master Plan are from transportation sources and campsites. Mitigation Measure AQ-3c prohibits new fire pits, which substantially reduces potential emissions associated with the proposed project. The commenter has not identified additional mitigation measures that reduce vehicle miles traveled generated by the recreational amenities provided by the Parkway Master Plan.
B3-16	In addition, the District's approach defers analysis, and the identification and implementation of mitigation, which is impermissible under CEQA. (See, e.g., <i>Calif. Clean Energy Comm'n v. City of Woodland</i> (2014) 225 Cal.App.4th 173 , 195; <i>POET, LLC v. State Air Resources Bd.</i> (2013) 218 Cal.App.4th 681 , 740; <i>Gray v. County of Madera</i> (2008) 167 Cal.App.4th 1099, 1119.)	See response to Comment B3-14. The Parkway Master Plan Update is a programmatic plan and EIR and the Mitigation Measures reflect the degree of specificity associated with the programmatic nature of the proposed project. Mitigation Measures AQ-3a and AQ-3b require that the future air quality studies be conducted in accordance with the SJVAPCD methodology. SJVAPCD's Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI) specify performance standards that future developments need to achieve to have less than significant impacts. Furthermore, Mitigation Measures AQ-3a and AQ-3b include a list of potential mitigation measures that are required to be considered in the future air quality studies. Mitigation Measure AQ-3c prohibits campfires; resulting in a substantial reduction in air pollutant emissions that would apply to future development projects

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		under the Plan. Consequently, the EIR has not deferred the analysis.
B3-17	Moreover, the Conservancy cannot make the finding that the impacts of the Master Plan would be "significant and unavoidable." Specifically, CEQA requires that an EIR propose and describe mitigation measures to minimize the significant environmental effects identified in the EIR. (Pub. Resources Code, §§ 21102.1, subd. (a); 21100, subd. (b)(3) .) The lead agency has the burden of demonstrating that the mitigation measure will be effective in remedying the environmental effect, (see, e.g. , <i>Gray v. County of Madera</i> (2008) 167 Cal.App.4th 1099, 1116; <i>Communities for a Better Environment v. City of Richmond</i> (2010) 184 Cal.App.4th 70, 95), and may not rely upon mitigation measures that are so undefined that it is impossible to gauge their effectiveness. A lead agency also may not rely upon vague or incomplete mitigation measures as a means to avoid evaluating and disclosing project impacts. (<i>Stanislaus Nat'l Heritage Project v. County of Stanislaus</i> (1996) 48 Cal.App.4th 182, 195.)	The commenter is incorrect that the Conservancy cannot make a significance finding. As described in response to Comments B3-14 through B3-16, the Mitigation Measures AQ-3a and AQ-3b identify that the Conservancy would prepare site-specific air quality analysis for the individual development projects under the Parkway Master Plan. The air quality analyses must follow the SJVAPCD guidance (GAMAQI) and include mitigation measures to achieve the performance standards identified by BAAQMD. Mitigation Measure AQ-3 prohibits new campfires. The measures identify the party responsible for implementing (Conservancy) and monitoring (Conservancy and SJVAPCD) and are not vague or incomplete. Therefore, the EIR adequately discloses potential environmental impacts to the decision-makers.
B3-18	In this case, there are numerous potential methods to mitigate the potential impacts of the Master Plan that are not identified as potential mitigation in the Draft EIR. For example, the Master Plan appears to be subject to the District's Rule 9510 , Indirect Source Review ("ISR"), because it contemplates the development of over 20,000 square feet of recreational space. (See Rule 9510, Rule 2. 1. 9.) The ISR allows an applicant to reduce emissions of certain criteria pollutants, including PM10 and NOx . Despite this, there is no commitment on the part of the Conservancy to comply with ISR, nor is there any discussion of what emissions under the Master Plan would be compliant with ISR.	The proposed project is subject to ISR Rule 9510, and the Conservancy will be required to comply with this rule. A separate Mitigation Measure to confirm commitment to this existing regulation is not warranted. Pages 4.3-13 through 4.3-14 in Chapter 4.3, Air Quality, identify which emissions components of specific projects are subject to ISR.
B3-19	In addition, the Conservancy may also enter into a Voluntary Emissions Reduction Agreement ("VERA") with the District to reduce its emissions to a less than significant level or to zero. As explained by the District: In addition to reducing a portion of the development project's impact on air quality through compliance with District Rule 9510, a developer can further reduce the project's impact on air quality by entering into a VERA with the District to address the mitigation requirements under California	See response to Comment A5-8. In compliance with applicable SJVAPCD regulations, on a project-specific basis the Conservancy will evaluate the potential impacts of future development projects implemented under the Master Plan to determine whether to opt to participate in this voluntary agreement in order to reduce project-specific impacts. The Voluntary Emissions Reduction Agreement (VERA) program is intended for use by projects that cannot reduce their impacts to below the thresholds of significance by other means.

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	<p>Environmental Quality Act (CEQA). Under a VERA, the developer may fully mitigate project emission impacts by providing funds to the District, which funds are then used by the District to administer emission reduction projects on behalf of the project proponent.</p> <p>(See San Joaquin Valley Air Pollution Control District, 2013 Annual Report, Indirect Sources Review Program at 1, <i>available at</i> https://www.valleyair.org/TSR/Documents/3 ATT ISRCmTected-Annual-Report-2012-2013 12- 19-13.pdf.)</p> <p>Thus, feasible mitigation exists to reduce the impacts of the Master Plan to a less than significant level, and the Conservancy cannot find the Master Plan's impacts would be significant and unavoidable.</p>	<p>Emission reductions achieved under a VERA can be applied towards satisfying ISR emission reduction requirements under Rule 9510 for individual projects subject to the Master Plan.</p>
B3-20	<p>D. The Draft EIR Must Be Augmented to Identify and Propose Additional Mitigation to Reduce the Master Plan's Recognized Greenhouse Gas Emissions and Climate Change Impacts</p> <p>The Draft EIR also finds development under the Master Plan would result in significant and unavoidable climate change impacts, as the project "would result in a substantial increase in GHG emissions and would not achieve a 29 percent reduction from [business as usual]." (Draft EIR at 4.7-23.) Despite this, the Draft EIR for the Master Plan does not identify and propose mitigation for greenhouse gas emissions. Again, CARB provides that "the agency undertaking or permitting [a] project must impose all feasible mitigation" where "a project will have significant environmental impacts" (California Department of Justice, <i>Mitigation for Greenhouse Gas Emissions</i>, <i>available at</i> https://oag.ca.gov/environment/ceqa/measures; see also Pub. Resources Code, §§ 21102.1, subd. (a); 21100, subd. (b)(3) .) Mitigation measures to reduce greenhouse gas emissions exist. (See <i>Mitigation for Greenhouse Gas Emissions</i>, <i>supra</i>.) As such, the Draft EIR for the Master Plan must identify and propose additional mitigation to avoid the significant greenhouse gas emissions identified in the Draft EIR.</p>	<p>The Parkway Master Plan Update is a programmatic plan, and the EIR and mitigation measures reflect the degree of specificity associated with the programmatic nature of the proposed project. Each subsequent project developed under the Master plan will be subject to site-specific, project-specific environmental review and include specific mitigation measures as needed. The Plan program EIR includes mitigation measures to reduce overall GHG emissions from campfires (Mitigation Measure AQ-3c prohibits new campfires) and offsets the increase in emissions from energy use (Mitigation Measure GHG-1 requires solar panels). However, the vast majority of the GHG emissions increase (93%) are associated with vehicles traveling to the Plan area. The EIR considered Best Performance Standards identified by SJVAPCD when developing mitigation measures and found that no additional mitigation measures would reduce potential GHG emissions impacts to less than significant levels. Furthermore, no mitigation measures have been identified by the commenter that would substantially reduce the project's transportation emissions that would substantially lessen or avoid the project's significant unavoidable GHG impact.</p>
B3-21	<p>E. The Draft EIR Does Not Adequately Address the Potential Public Services</p>	<p>Please refer to Section 2.4.1 on page 2-4 of the Master Plan Update</p>

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	<p>and Recreation Impacts Associated with the Master Plan</p> <p>The Coalition has previously expressed concern about the public health, safety, and aesthetic impacts associated with the lack of funding for the operation and maintenance of the San Joaquin River Trail. These concerns have not been addressed. Rather, the Conservancy's Executive Director has advised that funding does not presently exist for the operation and maintenance of the Fresno River West Project, but this is an issue "outside" the Draft EIR.</p> <p>This is inaccurate. While the issue of funding, in a vacuum, may not itself be an environmental impact, economic issues that result in "physical impacts" must be addressed. (CEQA Guidelines, § 15131 (a); <i>Citizens for Local Control v. City of Bakersfield</i> (2004) 124 Cal.App.4th 1184, 1215[.] Here, if there is no funding for upkeep of the trail, or funding to provide essential police and fire services for the trail system, that lack of funding could result in physical impacts, which must be addressed in the Draft EIR:</p>	<p>for a description of the enabling laws governing the Conservancy. As noted, Section 32511 of Public Resources Code Section 32500 (San Joaquin River Conservancy Act) states, "The conservancy shall be responsible for operation and maintenance of the parkway. The conservancy shall close to the public any lands or facilities which it is unable to maintain in a clean and safe manner and to adequately protect the wildlife and rights of adjacent property owners from the public, including areas downstream from the Highway 99 crossing affected by the use of the parkway." In accordance with this law, projects planned under the Parkway Master Plan may not be constructed until adequate long-term operation and management funding is secured. No project may be authorized without an adequate demonstration to the Board and State control agencies that such resources will be available long-term. The potential physical impacts of future projects—which by law are conditioned on adequate operational and maintenance resources—are discussed in Chapter 4 of the EIR, under each of the environmental topic headings. Please also refer to the <i>Final EIR for the River West Fresno, Eaton Trail Extension Project</i> for responses to comments on this issue specifically related to that project.</p>
B3-22	<p>Fire Protection. As explained previously, the bluff and river areas beneath the neighborhood where most of the members of the Coalition reside are regularly used for unpermitted camping. Frequently, individuals using the river bottom for camping set fires that are not properly monitored or controlled and present a danger to local residents. For example, on July 2, 2009, a bluff fire burned an 11.9-acre area, destroying one home and damaging two others. The fire took four hours to contain, and another two hours to control. While no individuals were injured, approximately 25 residential structures were put at risk. Such fires not only endanger residents and structures within the surrounding neighborhoods, but also natural resources. The addition of parking within those neighborhoods would increase these impacts. The Draft EIR for the Master Plan does not discuss how the Conservancy would avoid numerous potential impacts associated with fires if the Conservancy is unable to adequately fund</p>	<p>As noted in impact discussion HAZ-8, on page 4.8-16 of the Draft EIR, compliance with applicable laws and regulations, including the California Fire Code (Part 9 CCR), California Building Code (Part 2 CCR), CAL FIRE (2010 Strategic Fire Plan), and Ordinance Code of Fresno County (Titles 5, 8, and 19), combined with BMP FIRE-1. Fire Prevention, of the Parkway Master Plan Update, would result than less than significant impacts associated with fire risk. BMP FIRE-1 requires that all structures comply with County and CAL FIRE standards, and that fire prevention measures shall be implemented including mowing shoulders of roads, parking areas and trails, buffers around buildings, and buffers at boundaries of Parkway lands if adjacent to urban development, and clearing ladder fuels around structures. Furthermore, as noted in Response B3-14 above, Mitigation Measure AQ-3c prohibits new outdoor fire pits, which would reduce the risk of</p>

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	<p>necessary fire protection activities, including:</p> <ul style="list-style-type: none"> • The potential for fires to damage riparian habitat. • The potential for fires to damage or destroy homes and other private property within the vicinity of the trails. • The potential for fires to destroy aesthetic resources, including riparian habitat and trees. <p>The Draft EIR for the Master Plan should be revised and recirculated to discuss impacts associated with fires, particularly given that no funding source has been identified to maintain adequate levels of fire protection services.</p>	<p>campfire hazards.</p> <p>Please refer to response to Comment B3-21 above regarding operations and maintenance funding requirements for new projects in the Parkway Plan Area. Please also refer to the <i>Final EIR for the River West Fresno, Eaton Trail Extension Project</i> for responses to comments on this issue specifically related to that project.</p>
B3-23	<p>Police Services. Vandalism and encampments continue to be a significant concern to residents within adjacent neighborhoods. As access to the San Joaquin River Trail increases, these impacts will likewise increase. Indeed, other communities with river trails have experienced an increase in the incidences of such issues.⁴ Despite this, the Draft EIR simply states without explanation there will be "less than significant" environmental impacts. The Draft EIR should be revised and recirculated to discuss these important impacts to public safety that directly affect members of the Coalition, the likelihood and sources of funding for such services, and the impacts if such funding is unavailable.</p> <p>⁴ See, e.g.,; http://www.sacbee.com/news/local/article156648019.html (June 16, 2017); http://www.sacbee.com/news/investigations/the-public-eye/article148678849.html (May 6, 2017); http://fox40.com/2017/06/19/park-rangers-some-pelted-by-rocks-on-american-riverparkway/ (June 19, 2017); http://sacramento.cbslocal.com/2016/08/19/machete-stabbing-onamerican-river-parkway-has-sacramento-cyclists-concerned/ (August 19, 2016); http://www.kcra.com/article/illegal-camping-sparks-concerns-about-fires-along-american-riverparkway/6422755 (May 26, 2015).</p>	<p>As noted in Subsection 4.14.2.3, Impact Discussion on page 4.14-18 of the Draft EIR, under impact PS-3, the significance threshold states, "The proposed Project would not result in the provision of or need for new or physically altered police facilities, the construction or operation of which could cause significant environmental impacts." The conclusion of less than significant is based on the determination that the project would not result in an increased demand on police services that would necessitate new or remodeled policing facilities.</p> <p>Vandalism and transient illicit camping are society-wide health and safety problems that occur widely on vacant properties throughout California. Vandalism and illicit camping occur less frequently on lands that have been developed and managed for public access and public use, due in part to the presence of operations and maintenance staff and the public. The Conservancy and other public landowners coordinate with housing and policing agencies to address problems to the extent those agencies' resources allow.</p> <p>Please also refer to the <i>Final EIR for the River West Fresno, Eaton Trail Extension Project</i> for responses to comments on this issue specifically related to that project.</p>
B3-24	<p>Aesthetics and Urban Decay. It is presently unclear how trail maintenance and repair will be funded. Without an adequate funding stream, it is</p>	<p>Please refer to response to Comment B3-21 above.</p>

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	likewise unclear how the Conservancy will ensure the trail will not fall into disrepair and result in an eyesore, or experience incidences of urban decay such as trash, weeds, graffiti, and vandalism (all of which are presently issues of concern). ⁵ Because no funding source has been identified, and it is unclear how the Conservancy will maintain the trail, the Draft EIR should be revised to address the potential environmental effects that would result from the inability of the Conservancy to fund regular maintenance and upkeep of the trail.	
	⁵ See <i>id.</i>	
B3-25	As such, the Draft EIR for the Master Plan should be revised to address the potential that the Conservancy have not have sufficient funding for the upkeep of the trail, as well as fire and police services for the trail.	Where adequate resources are identified, Parkway projects can proceed to serve the needs and demands identified in the Master Plan and serve the recreating public. The purpose of the Master Plan programmatic EIR is to allow phased development of Parkway projects as resources become available. Examples of fully supported Parkway projects are Friant Cove, the Fish Hatchery Visitor Improvements, Lost Lake Park campground improvements, the existing segments of the Eaton Trail, and the Coke Hallowell River Center. If however, there are not adequate resources for operations and maintenance of specific projects planned under the Parkway Master Plan, those will remain in abeyance, and the Parkway properties may be managed primarily for conservation purposes as funded by the State budget appropriations to the Conservancy.
B3-26	<p>F. The Master Plan Reveals the Conservancy is Seeking to Piecemeal Environmental Review for the Fresno River West Project by Omitting Foreseeable Improvements Near the Palm & Nees Intersection</p> <p>As part of a lead agency's analysis under CEQA, the environmental review accompanying the first discretionary approval must evaluate the impacts of the ultimate development; this prevents agencies from piecemealing the CEQA process - i.e., chopping up a large project into smaller pieces to avoid full environmental disclosure. (See, e.g., CEQA Guidelines, § 15003(h); <i>Bozung v. LAFCO</i> (1975) 13 Cal.3d 263, 283.) Thus, the initial study must consider all phases of project planning,</p>	<p>Please refer to Master Response #1, which addresses the River West Fresno, Eaton Trail Extension Project and EIR and corresponding revisions to the Master Plan Update. Please also refer to the <i>Final EIR for the River West Fresno, Eaton Trail Extension Project</i> for more project specific analysis of the approved improvements near Palm and Nees.</p> <p>The 1997 Parkway Master Plan and the proposed Master Plan Update are program plans that provide policy guidance and mitigation for the long term development of individual Parkway projects. The 1997 plan,</p>

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	implementation, and operation, including phases planned for future implementation. (CEQA Guidelines, § 15063(a)(I).) A lead agency may not limit environmental disclosure by ignoring the development of other activity that will ultimately result from an initial approval. (<i>City of Antioch v. City Council</i> (1986) 187 Cal.App.3d 1325.) Thus, an environmental document must include analysis of future actions and/or expansion where (i) it is a reasonably foreseeable consequence of the project, and (ii) the future action and/or expansion will significantly change the scope or nature of the project or its environmental effects." (<i>Laurel Heights Impr. Ass'n v. Regents of Univ. of Calif.</i> (1988) 47 Cal.3d 376; see also <i>Rominger v. County of Colusa</i> (2014) 229 Cal.App.4th 690.)	under which the River West Fresno project was evaluated, included River West, Spano Park, and the area at the base of the Palm Nees access road in the planning area and noted specifically that the planning maps were "illustrative." "Actual boundaries, trails, facilities, and other [plan] lines to be determined/surveyed in the course of public and government agency review, procedures involved in CEQA compliance, and in accordance with the terms of particular transactions entered into with landowners." The proposed Master Plan Update includes a similar caveat, "The location of all Parkway facilities are subject to acquiring property or easements from willing sellers, site- and project-specific design, environmental review, and public participation."
B3-27	In this case, the Draft EIR for the Master Plan suggests that part of the Fresno River West Project would include an opportunity for a canoe launch, as well as upgrades to Spano Park and a vista overlook. (See Draft EIR at 3-37.) Importantly, because a canoe launch is only feasible at Palm & Nees, and upgrades to Spano Park will facilitate improvements to access points at Palm & Nees (including Alternative 5b), these improvements highlight why access at Palm & Nees is preferable to access at Riverview Drive. Because these improvements are reasonably foreseeable components of the Fresno River West Project, and are important components for purposes of which alternative the Conservancy should select for Fresno River West, the Draft EIR for the Fresno River West Project should be augmented to include these future improvements.	Please refer to Master Response #1, which addresses the River West Fresno, Eaton Trail Extension Project and EIR and corresponding revisions to the Master Plan Update. Please also refer to the <i>Final EIR for the River West Fresno, Eaton Trail Extension Project</i> for responses to comments on this issue specifically related to that project.
B3-28	G. Consistent with CEQA, the Draft EIR for the Master Plan Does Not Include "Environmental Justice" as an Alleged Environmental Impact The Draft EIR for the Fresno River West Project inaccurately suggests the project would have potentially significant "environmental justice" impacts because of alleged lack of access by disadvantaged communities to the San Joaquin River Trail. In the Coalition's April 13, 2017, comment letter, the Coalition noted that while "environmental justice" may be considered in other context in the CEQA process, "environmental justice"	Please refer to Master Response #1, which addresses the River West Fresno, Eaton Trail Extension Project and EIR and corresponding revisions to the Master Plan Update. After the date these comments were submitted, the River West Fresno Draft EIR was partially revised and recirculated, with substantial clarifications to its analysis of Environmental Justice issues. Please refer to <i>Final EIR for the River West Fresno, Eaton Trail Extension Project</i> for that revised analysis and responses to comments on that issue.

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	<p>is not itself an environmental impact cognizable under CEQA.⁶ This argument is supported by the fact that the Draft EIR for the Master Plan - which was prepared by an independent environmental consultant - does not include "environmental justice" as a point of discussion in that document. To maintain consistency between the two EIRs, the Draft EIR for the Fresno River West Project should be revised by removing the "environmental justice" discussion as a discrete environmental impact (along with the Alternatives discussion that is based largely on "environmental justice" impacts), and recirculate the document for public review.⁷</p> <p>⁶ CEQA requires analysis of "physical impacts" on the environment. (See CEQA Guidelines, § 15604(d) [requiring agencies to "consider direct physical changes in the environment which may be caused by the project ... "].) "Environmental justice," in contrast, means "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies." (Gov. Code, § 65040.12, subd. (e).) To the extent such alleged impacts are implicated by the Fresno River West Project - and, as explained below, they are not - such impacts are at most "[e]conomic and social changes," which CEQA expressly states "shall not be treated as significant effects on the environment." (CEQA Guidelines, § 15604(e) [emphasis added].)</p> <p>⁷ In addition to the fact that environmental justice is not itself an environmental impact, this discussion uses an inaccurate and erroneous baseline, as it is not based on a comparison of current conditions (the environmental baseline) against post-project conditions. Rather, although not directly stated, the argument in the DEIR appears to be that access for disadvantaged communities would allegedly be better under an alternative than under post-construction conditions under the Project. This approach, of course, is contrary to CEQA. (CEQA Guideline, § 15125(a); <i>Citizens for E. Shore Parks v. State Lands Comm'n</i> (2011) 202 Cal.App.4th 549.)</p>	

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B3-29	<p>H. The Master Plan Should Be Revised to Consider Additional Points of Access Between the Palm & Nees Intersection and the Bluff Point Golf Course</p> <p>Representatives of the Conservancy and the Trust have on numerous occasions suggested that access at Riverview is necessary to ensure access to the trail from the City of Fresno to avoid an "environmental justice" impact. The Coalition disagrees with this viewpoint, as access currently exists at Woodward Park, and a far better potential point of access exists at Palm and Nees. The Coalition also disagrees that "environmental justice" is itself an environmental impact under CEQA, as explained above. However, to the extent the Conservancy could argue the viewpoints expressed in the Draft EIR for the Fresno River West Draft EIR are accurate, the proposed plan does not contemplate any potential access from the Fresno side of the San Joaquin River between the Palm & Nees intersection and the Bluff Point Golf Course, which is over six miles away by vehicle. (See Exhibit "4.") Thus, instead of continuing to contemplate access through Riverview Drive, the Conservancy should instead explore access in areas presently served by public roads that are currently used for access to commercial and educational land uses.⁸</p> <p>⁸ For example, it is unclear why parking and public access are not contemplated for Scout Island.</p>	<p>Consistent with the City of Fresno General Plan 2035, four potential future points of public access to the Parkway (whether by pedestrian, bicycle, or vehicle) between (and not including) the Palm Nees private access road and Milburn Avenue (Bluff Pointe Golf Course) are shown on Figures 3-10 and 3-11 of the proposed Parkway Master Plan. Please refer to Master Response #1, which addresses the River West Fresno, Eaton Trail Extension Project and EIR and corresponding revisions to the Master Plan Update, and the response to Comment B3-28, above.</p>
B3-30	<p>I. Section 1.7 Does Not Identify All Known Areas of Controversy</p> <p>Section 15123 of the CEQA Guidelines provides that an EIR must contain a summary of the "Areas of controversy known to the Lead Agency including issues raised by agencies and the public . . ." (CEQA Guidelines, § 15123 .) This discussion is contained in Section 1.7 of the Draft EIR for the Master Plan. One of the core areas of controversy in this case relates to the Conservancy's level of cooperation with relevant local governments, including its member agencies. This includes the fact that none of the access points studied in the Draft EIR for the Fresno River West Project are consistent with the City of Fresno's 2035 General Plan.</p>	<p>Please refer to Master Response #1, which addresses the River West Fresno, Eaton Trail Extension Project and EIR and corresponding revisions to the Master Plan Update. Please also refer to the <i>Final EIR for the River West Fresno, Eaton Trail Extension Project</i> for responses to comments on this issue specifically related to that project.</p> <p>The commenter correctly notes that the areas of controversy are identified in Section 1.7 of the Draft EIR for the Master Plan Update.</p>
B3-31	<p>Despite the City's requests, the Conservancy initially expressed strong</p>	<p>Please refer to Master Response #1, which addresses the River West</p>

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	opposition to the augmentation of the Draft EIR. It was not until the Mayor and the City Manager attended a Conservancy meeting, and agreed to pay for the analysis of alternative access points that the Conservancy finally agreed to allow the augmentation of the Draft EIR. Moreover, the Conservancy continues to consider Alternatives 1 and 5 as potentially alternative, even though those alternatives are inconsistent with the City's 2035 General Plan, and the City has opposed those points of access. Despite this, section 1. 7 of the Draft EIR does not identify the role of local land use agencies as an area of controversy.	Fresno, Eaton Trail Extension Project and EIR and corresponding revisions to the Master Plan Update. Please also refer to the <i>Final EIR for the River West Fresno, Eaton Trail Extension Project</i> for the revised analysis of alternatives and responses to comments on this issue specifically related to that project.
B3-32	It is important to augment this section, and to revise the Draft EIR accordingly, because - for all future projects under the Master Plan - the Conservancy will need to work with local land use agencies regarding important issues such as access and public services. If the Conservancy's intent is simply to override the concerns of the relevant local agencies, this is a highly relevant fact that should be examined in greater detail in both the land use section of the Draft EIR and the Master Plan itself. In addition to augmenting the Draft EIR, the Master Plan itself should be modified to clarify the Conservancy's position, and to account for and address the likelihood for such disputes.	Please refer to Section 1.1, Introduction, of the Draft EIR, for a description of the enabling laws governing the authorities, jurisdiction, and responsibilities of the Conservancy, and Section 4.10.1.1, Land Use and Planning Regulatory Framework for a discussion of coordination of Parkway development with local land use agencies. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. No further response is required.
B3-33	In addition the Supreme Court has made clear that, where there are competing views regarding the scope of another agency's jurisdiction, an agency cannot simply ignore the issue. (See <i>Banning Ranch Conservancy v. City of Newport Beach</i> (2017) 2 Cal.5th 918, 940.) Rather, the EIR must acknowledge the controversy and the competing views, and explain how those competing views would affect mitigation and project alternatives. (Id.) Because both the Draft EIR for the Master Plan and the Draft EIR for Fresno River West ignore important policies in the City's 2035 General Plan relating to access at Riverview, the Conservancy has failed to comply with the Supreme Court's plain mandate.	Please refer to Master Response #1, which addresses the River West Fresno, Eaton Trail Extension Project and EIR and corresponding revisions to the Master Plan Update and refer to response to Comment B3-30 above.
B3-34	III. CONCLUSION While the Coalition is eager to see access to the San Joaquin River become a reality, the Draft EIR for the Master Plan is defective in several material respects, and contains conclusions and analyses that are	This statement serves as a closing remark and no additional response is required.

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	inconsistent with those stated in the Draft EIR for the Fresno River West Project. Accordingly, the Draft EIR for the Master Plan should not be certified until it is substantially revised and recirculated for public comment.	
B4	Radley Reep	
B4-1	<p>This comment letter focuses on a single word appearing many times in the draft update of the San Joaquin River Parkway Master Plan (Plan) and in the Draft EIR. The word is “corridor.”</p> <p>The purpose of this comment letter is twofold: (1) to focus attention on a shortcoming in the Plan with respect to the use of this word and (2) to demonstrate how correcting this fault will not only lead to a better understanding of the Plan but will also provide better environmental protections for the Plan Area.</p> <p>In both the Plan and in the Draft EIR, the word corridor is used in reference to everything from water courses to wildlife passageways. Excluded from this comment letter are references in the Plan and Draft EIR to transportation corridors such as rail corridors, automobile corridors and pedestrian corridors (i.e., public trails). This letter focuses primarily on corridors related to the river, to animal life and to plant life.</p> <p>The Plan’s Executive Summary opens with a statement that the Plan envisions a “contiguous and continuous wildlife habitat and movement corridor” within the Parkway, which covers “22 miles of river corridor including the floodplain and adjacent bluffs.”</p> <p>Further into the Plan, beginning on page 2-11, is a section defining fifteen key terms used in the Plan. The word “corridor” is not among the terms defined. In fact, nowhere in the Plan is there a definition of any of the named corridors: “Parkway corridor,” “trail corridor,” “river corridor,” “habitat corridor,” “riparian corridor,” “floodplain corridor” and “wildlife movement corridor.” As will be explained on subsequent</p>	<p>The comment suggests that the use of the word “corridor” in the proposed Plan requires more specific distinctions or definitions. The Conservancy’s existing and updated policies support the creation and restoration of contiguous conserved lands—broadly referred to as “corridors”—for the purposes of improved habitat function and wildlife movement. In the cases of buffer and set-back policies, the corridors are well defined. In other cases, the policies allow the exercise of judgment when applying them to site- and project-specific conditions. The policies provide adequate and important guidance in the development of future projects under the proposed Master Plan. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. No further response is required.</p>

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	<p>pages, the brief description of the continuous riparian/wildlife corridor found in Policies HABITAT.31 and BUFFER.2, namely, a corridor “with a minimum width of 200 feet upland from the ordinary low water mark” does not encompass the extent of wildlife movement within the Plan Area.</p> <p>Of the 28 figures in the Plan and of the 48 figures in the Draft EIR showing features of the Parkway and its environs, not one is devoted to depicting any of the corridors listed above – with the possible exception of “Parkway corridor,” if the word corridor means Plan Area and with the exception of “trail corridor,” if the word corridor means alignment. Otherwise there are no figures showing the location or the boundaries of a river corridor, habitat corridor, riparian corridor, floodplain corridor or wildlife movement corridor.</p> <p>The word corridor is missing from the Plan’s vision statement. It is found, however, in the first of the Plan’s eight fundamental goals – Goal FG.1, which reads, “Preserve and restore a riparian and floodplain corridor of statewide and regional significance along the San Joaquin River from Friant Dam to the Highway 99.”</p> <p>As mentioned previously, the word corridor occurs numerous times in the set of documents circulated for public review. It is found in secondary Parkway goals, in Plan policies, in the Plan narrative, and in the Draft EIR. On the following page is a list of phrases from the Plan and accompanying Draft EIR that contain the word corridor. The word is more often written as a singular noun, but sometimes it is written as a plural noun.</p>	

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	Phrase	Sample Citation	Page	
	<i>Planned Parkway corridor</i>	Plan Narrative	4.15-30	
	<i>Trail corridors</i>	Goal ACCESS.4	6-14	
	<i>Parkway trail corridor</i>	Policy ACCESS.7	6-15	
	<i>Eaton Trail corridor</i>	Plan Narrative	3-1	
	<i>Multi-use trail corridor</i>	Policy BUFFER.4	6-20	
	<i>Extra-wide single corridor trail</i>	Policy ACCESS.22	6-16	
	<i>River corridor</i>	Plan Narrative	2-1	
	<i>San Joaquin River corridor</i>	DEIR Bio Resources	4.4-8	
	<i>Biological corridor</i>	DEIR Bio Resources	4.4-91	
	<i>Habitat corridors</i>	DEIR Appendix A	9	
	<i>Wildlife habitat and corridors</i>	Policy HABITAT.36	6-8	
	<i>Continuous corridor of wildlife habitat</i>	Plan Narrative	8-6	
	<i>Riparian corridor</i>	Policy BUFFER.10	6-22	
	<i>Riparian corridors</i>	Goal BUFFER.2	6-20	
	<i>Riparian and floodplain corridor</i>	Goal FG.1	6-3	
	<i>Native riparian and upland habitat corridor</i>	DEIR Bio Resources	5-2	
	<i>Wildlife corridor</i>	Policy BUFFER.16	6-23	
	<i>Wildlife corridors</i>	Policy HABITAT.7	6-5	
	<i>Wildlife/riparian corridors</i>	Policy BUFFER.15	6-22	
	<i>River wildlife corridor</i>	Policy BUFFER.15	6-22	
	<i>Continuous wildlife corridor</i>	Policy HABITAT.3	6-5	
	<i>Continuous riparian/wildlife corridor</i>	Policy BUFFER.2	6-20	
	<i>Continuous corridor of riparian vegetation</i>	Policy HABITAT.24	6-7	
	<i>Wildlife movement corridor</i>	Policy HABITAT.4	6-5	
	<i>Wildlife movement corridors</i>	Policy AIR.3	6-11	
	<i>Continuous wildlife movement corridor</i>	Policy HABITAT.31	6-7	
	<i>Contiguous and continuous wildlife habitat and movement corridors</i>	Plan Narrative	2-3	

As demonstrated above, the word corridor is found in many contexts throughout the Plan and Draft EIR.

This comment letter will focus first on how the word corridor is used in the Updated Parkway Master Plan, and it will conclude with a discussion of how the word is used in the Draft EIR.

The word corridor appears in the goals and policies of the following Plan sections:

- Habitat Conservation and Management
- Mineral Resource
- Air Resources, Climate Change Adaption, and Sequestration
- Public Access and Recreation
- Buffer Zones and Adjacent Land Uses
- Operations, Management, and Implementation.

Half of the time, the word corridor refers to wildlife corridor(s), a quarter

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	<p>of the time to riparian corridor(s).</p> <p>The large number of goals and policies that refer to wildlife and riparian corridors attests to the fact that the Conservancy is striving to do the following: (Enabling goals and policies are shown at the right.)</p> <ul style="list-style-type: none"> · Acquire land with high riparian and wildlife values · Preserve, enhance and restore riparian and wildlife areas already managed by the Conservancy · Encourage local land use agencies to protect riparian and wildlife areas within the Plan Area. 	
	<p>1. Acquire Additional Land for the Parkway</p> <p>The Plan calls for the acquisition of lands within the Plan Area sufficient to facilitate connectivity for a continuous wildlife movement corridor along the river that will allow for the movement of large mammals between habitat areas, provide a variety of nesting and foraging areas and enhance and protect aquatic habitats. {Goal OPER.1. Policy OPER.1 Policy OPER.3 Policy HABITAT.3</p>	
	<p>2. Enhance Existing Riparian and Wildlife Areas</p> <p>The Plan calls for the reestablishment and preservation of a continuous corridor of riparian vegetation on both sides of the river to provide for the movement and migration of wildlife, as well as the restoration and improvement of in-stream shaded habitat. More specifically, it calls for the enhancement of habitat, biodiversity and regional habitat linkages by restoring and maintaining native vegetation within riparian and wetland areas, woodland and grassland habitats, natural reserves, open spaces and wildlife corridors, including support for an adjacent wildlife movement corridor from the Parkway to Little Table Mountain. {Goal FG.1 Policy HABITAT.4 Policy HABITAT.7 Policy HABITAT.24 Policy HABITAT.31 Policy HABITAT.36 Policy AIR.3</p>	
	<p>The Plan also calls for the protection of habitat and riparian corridors by precluding lighting in the vicinity of the wildlife corridor, by avoiding the</p>	

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	development of significant recreational facilities within the riparian corridor or within existing riparian woodlands and by providing a buffer of 150 feet between the riparian corridor (or the edge of existing riparian habitat) and the primary Parkway multi-use trail and more intensive Parkway recreational facilities. {Goal BUFFER.2 Policy BUFFER.10 Policy BUFFER.12 Policy BUFFER.16	
	3. Encourage Local Land Use Agencies to Protect the Plan Area The Plan calls for the encouragement of local land use agencies, when making land use decisions, to require buffer zones for the protection of wildlife habitat in natural reserves and wildlife/riparian corridors, to protect existing riparian woodlands and to enhance or complement the revegetation of the river wildlife corridor. {Policy MINERAL.2 Policy BUFFER.15	
	The Plan is ambitious and complex. It aims to provide low-impact recreational and educational uses and, at the same time, reestablish, enhance and manage a continuous riparian/wildlife corridor that enhances biodiversity within riverine, wetland, woodland and grassland habitats and provides connectivity among wildlife corridors.	
	The Plan's objectives are admirable, but there's a palpable problem which could hinder or prevent successful Implementation. Simply put: The Plan fails to define or map the riparian corridors and wildlife corridors it is seeking to reestablish, enhance and protect.	
	This may seem a minor problem, but it's not. Consider, for example, the following Plan policies and goals – both general and specific – related to the establishment, enhancement and protection of riparian corridors and wildlife corridors.	
	Riparian Corridors Goal BUFFER.2 calls for combining <i>"buffers, design, and management</i>	

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	<p><i>measures to adequately reduce and mitigate potential impacts from Parkway recreational uses on habitat, riparian corridors and neighboring uses.”</i> Question: To achieve this goal, is it not necessary to define these corridors and/or to generate maps showing their locations?</p> <p>And shouldn’t such definitions and corridor maps include, as well, descriptions or depictions of regions within the Plan Area that are currently without riparian vegetation? Several Plan policies call for reestablishing riparian vegetation where it no longer exists. For example, Policy HABITAT.24 reads, “<i>Reestablish...a continuous corridor of riparian vegetation on both sides of the river to provide for the movement and migration of wildlife....</i>” Without adequate definitions and corridor maps in the Parkway Plan identifying areas to be restored, conflicts are likely to arise as public facilities are considered for areas where riparian vegetation is currently absent but where it should be reestablished.</p> <p>Wildlife Corridors</p> <p>The same situation holds true with respect to <i>wildlife corridors</i>. Policy HABITAT.7 calls for the restoration, enhancement and maintenance of <i>wildlife corridors</i>. Question: Where are these <i>wildlife corridors</i>?</p> <p>How can the Parkway Plan restore, enhance and protect <i>wildlife corridors</i> that it neither defines nor maps? This lack of information is sure to create problems. For example, how will it be possible to effectively administer Policy BUFFER.16, which reads, “<i>With the exception of public safety, preclude lighting in the vicinity of the wildlife corridor?</i>” How will it be possible to preclude lighting in the vicinity of a <i>wildlife corridor</i> if its location is unknown?</p> <p>Use of the Word “Corridor” in the Draft EIR</p> <p>With respect to the enhancement and protection of flora and fauna within the Parkway, the word <i>corridor</i> appears multiple times in each of these sections of the Draft EIR:</p> <ul style="list-style-type: none"> · 1 Executive Summary 	

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	<ul style="list-style-type: none"> · 3 Project Description · 4.1 Aesthetics · 4.4 Biological Resources · 4.9 Hydrology and Water Quality · 4.10 Land Use and Planning · Appendix A NOP & Initial Study · Appendix C San Joaquin River Parkway Master Plan Update. <p>The Biological Resources section of the Draft EIR (4.4) poses the following six questions:</p> <p>Would future development under the proposed Plan...</p> <ol style="list-style-type: none"> 1. Result in significant direct or indirect adverse impacts on special-status plants and animals? 2. <u>Result in significant direct or indirect adverse impacts on sensitive natural communities?</u> 3. Result in significant direct or indirect adverse impacts on federally protected wetlands? 4. <u>Interfere with the movement of wildlife species, established wildlife corridors and nursery sites?</u> 5. Conflict with any Habitat Conservation Plans / city or county specific plans, policies or regulations? 6. Result in significant cumulative impacts with respect to biological resources? <p>This comment letter addresses only questions 2 and 4.</p> <p>#2. The Analysis of Sensitive Natural Communities</p> <p>The Draft EIR is a programmatic EIR. Because the extent of riparian restoration and the extent of facilities development are not well known at this time, the Draft EIR is unable to quantify the cumulative effect that full development of the Parkway Plan will have on riparian habitats.</p> <p>As a result, the Draft EIR concludes that future development of Parkway</p>	

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	<p>facilities and future operation of low-impact recreational and educational uses within the Plan Area could adversely affect sensitive natural communities, possibly causing permanent loss of riparian vegetation.</p> <p>To reduce potential impacts to a level of insignificance, the Draft EIR identifies two options. The Conservancy can either embrace the search for effective mitigation on a project-by-project basis through the implementation of Mitigation Measure BIO-2A or it can develop a Parkway-wide conservation strategy similar to that discussed in Appendix C of the Parkway Plan. The environmental analysis in the Draft EIR supports the first option, concluding that the Plan's goals, policies, design guidelines and best management practices (BMPs) – in concert with Mitigation Measure BIO-2A – are sufficient to avoid or minimize any short- and long-term adverse effects on sensitive natural communities. That said, the second option – the development of a comprehensive conservation strategy – may have the advantage of delivering environmental protections that are better coordinated and more consistent across individual Plan actions.</p> <p>Developing the Parkway on a project-by-project basis may be a practical, but that method could inhibit an understanding of the multifaceted biological dynamics and interconnections among riparian and wildlife corridors within the Plan Area. (As for the word "corridor," it does not appear in the section of the Draft EIR analyzing the Plan's effects on sensitive natural communities.)</p> <p>#4. The Analysis of the Movement of Wildlife, Established Wildlife Corridors and Nursery Sites</p> <p>The Draft EIR concludes that <i>"future development under the proposed Plan would not interfere substantially with the movement of any...wildlife species, or with established... wildlife corridors, or impede the use of native wildlife nursery sites."</i> As a result, no mitigation is required. (DEIR, 4.4-91)</p>	

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	<p>That conclusion is based more on faith than on actual data or analysis. In this regard, the Draft EIR embraces a number of unexpressed assumptions. It assumes that <i>wildlife corridors</i> necessary to the environmental well-being of the Plan Area are not only established but that they are currently functioning at optimum levels. The Draft EIR also assumes that wildlife movement takes place primarily within riparian corridors.</p> <p><i>“Part of the Parkway Plan Area’s high biological value lies in its function as a biological corridor, with the San Joaquin River and its associated riparian vegetation providing a connection between patches of undeveloped habitat both within and outside of the Parkway Plan Area.”</i> (DEIR, 4.4-91)</p> <p>The Draft EIR provides a generic overview of the various ways that wildlife can move through various habitat types. It does not provide, however, any examples of site-specific <i>wildlife movement corridors</i> within the Plan Area. Nor does it discuss specific nursery sites.</p> <p>The Draft EIR assumes that as long as Plan facilities are developed on relatively small, previously disturbed areas and as long as the Plan’s goals, objectives, policies, design guidelines, and BMPs prevent riparian habitat from being fragmented, development of the Parkway will not adversely affect wildlife.</p> <p>Adequacy of the Updated Parkway Master Plan Certain goals and policies in the Updated Parkway Master Plan directly refer to <i>riparian and wildlife corridors</i>. They are these:</p> <p>Goals: FG.1; Buffer.2; and OPER.1 Policies: HABITAT.3, 4, 7, 24, 31, 36; MINERAL.2; AIR.3; BUFFER, 2, 10, 12, 15, 16; and OPER.1, 3</p>	

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	<p>In this context, the Plan can be faulted for not defining the terms <i>“riparian corridor”</i> and <i>“wildlife corridor.”</i> Furthermore, in much of the Plan, these two corridors are assumed to be “conterminous” – having identical locations, which they do not. These faults can be corrected by generating the necessary definitions and maps.</p> <p>In attempting to define and map such <i>corridors</i>, Parkway planners will likely discover that the description of the <i>riparian/wildlife corridor</i> found in Policy BUFFER.2, namely, <i>“a continuous riparian/wildlife corridor throughout public Parkway lands with a minimum width of 200 feet upland from the ordinary low water mark,”</i> is a relic from the early days of Parkway development and is no longer practicable or functional. It’s important to recognize that, in some ways, the 200-foot minimum distance from the main channel of the river is arbitrary. For example, during times of high water when the river flows into riverbed channels that are normally dry, the <i>riparian corridor</i> expands to include those channels and the surrounding property.</p> <p>Perhaps it’s time to give <i>wildlife corridors</i> independent consideration in the Parkway Plan – or at least a greater degree of separation from the interest in <i>riparian corridors</i>. Given scientists’ increased understanding of <i>“species-richness, habitat-complexity relationships,”</i> rather than focusing primarily on a narrow 22-mile long contiguous <i>riparian corridor</i>, the Plan may want to pay equal attention to substantial tracts of terrestrial and aquatic regions within the Plan Area (greater in size than the Plan’s ecological reserves) that contain a variety of herbaceous and arboreal habitats with a range of natural attributes that can support a generous diversity of wildlife – even if that may mean defining a particular <i>wildlife corridor</i> as extending from bluff top to bluff top.</p> <p>Adequacy of the Draft Environmental Impact Report</p> <p>The environmental analysis in the Draft EIR does not support the conclusion that <i>“future development under the proposed Plan would not interfere substantially with the movement of any...wildlife species, or with</i></p>	

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	<p>established... wildlife corridors, or impede the use of...wildlife nursery sites.” (DEIR, 4.4-91)</p> <p>The Draft EIR does not define the term wildlife corridors, nor does it describe the range of the types of wildlife corridors that exist within the Plan Area. As most people know, there are within the Plan Area the very narrow corridors used by beaver to move from one water feature to another. Mammals such as bobcats, coyotes and deer occupy more extensive corridors, as evidenced by the multitude of crisscrossing animal paths found in grasslands throughout the Plan Area. There are, as well, much less visible corridors, such as those used by western pond turtles. According to the California Department of Fish and Wildlife, <i>“Most western pond turtles travel a long distance (546 yards) to upland habitat to lay eggs and even farther sometimes to overwinter.”</i> (https://cdfgnews.wordpress.com/tag/western-pond-turtle)</p> <p>The Draft EIR does not map any known wildlife corridors. And it does not describe the impact that the visiting public will have on the viability of these yet undefined and unmapped regions of the Plan Area. Although the Plan calls for siting <i>“primary and multi-use trails on the outside edges of habitat areas rather through the center of mature riparian stands or other high-value habitat”</i> (Habitat.19), the Plan acknowledges that wildlife also moves through and finds refuge in <i>“upland habitat areas.”</i> (Plan, 5-2) Most of the Parkway’s trails will traverse these upland areas. Although the Draft EIR depicts miles of public trails, it does not show the location (actual or potential) of any wildlife corridors.</p> <p>And although the Draft EIR provides detailed descriptions of types of habitat within the Plan Area, importantly, it does not describe how the various plant communities combine to form functional wildlife corridors.</p> <p>Despite a lack of clarity and the abridged environmental assessment of potential impacts to wildlife corridors, the Draft EIR nonetheless concludes that future development under the proposed Plan will not</p>	

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	substantially interfere with the movement of animal species within established <i>wildlife corridors</i> .	
	<p>This commenter acknowledges that the Draft EIR is a Program EIR and not a Project EIR and, therefore, that although the legally-required contents of a Program EIR are the same as those of a Project EIR, a Program EIR is typically more conceptual and contains a broader discussion of impacts, alternatives and mitigation measures than does a Project EIR. Nevertheless, a Program EIR must provide, to the extent possible, an environmental analysis of the full range of project impacts.</p> <p>This Program EIR provides the only opportunity for a big-picture view of the effect that Parkway development could have on the overall viability of <i>wildlife corridors</i> throughout the Plan Area. Where are these <i>wildlife corridors</i>? And what is the expected maximum exposure of these areas to encroachment by the visiting public? The same questions hold true for wildlife nursery sites.</p> <p>It is the opinion of this commenter that the environmental analysis of the potential impact to <i>riparian corridors</i> is superior to that for <i>wildlife corridors</i>. Were the Draft EIR to contain an equally robust analysis of potential impacts to <i>wildlife corridors</i> (Impact BIO-4), the Draft EIR would very likely arrive at a conclusion similar to that for <i>riparian corridors</i> (Impact BIO-3), namely, that impacts are potentially significant and require mitigation.</p> <p>Therefore, the following additions to the Draft EIR are recommended:</p> <ul style="list-style-type: none"> · Definitions of, or descriptions of, the types of "<i>wildlife corridors</i>" that exist within the Plan Area · Maps showing actual or likely locations of <i>wildlife corridors</i> (The maps should help illustrate that <i>wildlife corridors</i> are not conterminous with <i>riparian corridors</i>.) · An assessment of the effect of the visiting public on <i>wildlife corridors</i> at full development of the Plan 	

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	<p>· Appropriate mitigation to protect wildlife and <i>wildlife corridors</i>, if found necessary after further analysis</p> <p>* The Plan contains a “white paper” by H. T. Harvey and Associates recommending the development of a “conservation strategy” for the implementation of the Parkway Master Plan. Should the Conservancy opt to prepare such a strategy, the Conservancy may want to include a section devoted to strategies for protecting <i>wildlife corridors</i> from the maximum exposure of those areas by the visiting public, which effect has yet to be estimated.</p> <p>Defining and illustrating <i>wildlife movement corridors</i> will strengthen overall understanding of the biological dynamics of the Plan area and will enable decision makers to make better choices regarding the protection of wildlife throughout the Parkway.</p>	
B5	Clary Creager	
B5-1	I appreciate the opportunity to comment. My comments are limited to Biological Resources, Appendix C, H.T. Harvey & Associates, Biological Resources Strategy White Paper, O&M Appendix B, Tool Box and three species updates.	The comment serves as an opening remark and does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. No further response is required.
B5-2	Appendix C, Biological Resources, Animals, pg. 29 is an example of information that describes habitat and fauna in an insufficient, generalized, out of date manner and references other drainages. The maps are also out of date. There is mention of insect life, an essential food source for mammals, birds, reptiles and fish. Species of concern are discussed in much greater detail along with regulations for their protection. The species of concern are not going to thrive without a healthy ecosystem of plant and animal life living along the San Joaquin River Parkway. Up to date and comprehensive data is essential for conservation of all biological resources and proper planning of siting and use intensities related to trails and recreation facilities. Mitigation of these problems is necessary.	The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. No further response is required. The referenced White Paper, Appendix C of the proposed Parkway Master Plan update contains recommendations for strategies to streamline, on a Parkway-wide basis, biological permits and regulatory approvals for future projects. The biological data used in the Draft EIR are more comprehensive than in the White Paper. The White Paper resulted in extensive programmatic mitigation measures in the Draft EIR to reduce the impacts of future Parkway development projects on biological resources to less than significant levels.

COMMENTS AND RESPONSES

TABLE 5-1 COMMENTS AND RESPONSE MATRIX

Comment #	Comment	Response
B5-3	Appendix C, H.T. Harvey & Associates, Biological Resources Strategy White Paper, Section 6.0, pg. 28 first paragraph , states the value and necessity of a Conservation Strategy Plan and an Area Wide Inventory of Biological Resources. The White Paper goes on further to explain how resource conservation, agency concerns, project plans can benefit from a conservation strategy and an inventory of biological resources in terms of streamlining completion of the Parkway Plan. A conservation strategy and biological inventory can help mitigate the insufficient data and information currently in the Biological Resources section of the Draft EIR and later prevent a piece meal approach to implementation of the Parkway Plan.	The comment supports a recommendation in Appendix C of the proposed Master Plan and Master Plan policy HABITAT.12, for the Conservancy to create a Parkway-wide framework conservation strategy. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. No further response is required. See response to Comments B2-4 and B5-3.
B5-4	Appendix B, O&M Funding Tool Box appears to be just that. It describes many kinds of funding options, but it fails to give any real direction as to how to move forward in a coherent manner. H.T. Harvey's Biological Resource White Paper recommendations related to a conservation strategy and an area wide inventory of biological resources could serve as a foundation for planning and implementing Parkway projects. The information from the conservation strategy and biological data could clarify and eliminate unexpected problems and costs related to build out of Parkway facilities and O&M. A plan to move forward is essential to mitigate the O&M Tool Box's lack of priorities and direction.	The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. No further response is required.
B5-5	Finally, I want to update San Joaquin River Parkway plant and animal list by reporting the presence of a pair of nesting bald eagles, and a pair of nesting Swainson's hawks. Both nesting pairs produced fledged young. Also Sanford's Arrowhead, Sagittaria Sanfordii was found growing in a pond in the same general area as the nesting birds, upriver from Highway 41 and downriver from Lost Lake Park. All the sightings are documented.	This information has been incorporated in a revised Table 4.4-5 as shown in Chapter 3 of this Final EIR. The added sightings contribute to, and do not change the conclusions regarding biological resources in the Draft EIR.
B6	Barry Bauer	
B6-1	Melinda, The link to the article below should be of interest. I haven't read it yet but Mark Standriff, City of Fresno, apparently has. Please add this article to the SJR Master Plan DEIR comments due by	The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. No further response is required.

COMMENTS AND RESPONSES

TABLE 5-1 COMMENTS AND RESPONSE MATRIX

Comment #	Comment	Response
	<p>June 30, 2017.</p> <p>And, please incorporate this article as comments in the Fresno River West DEIR or during its recirculation.</p> <p>Barry Bauer</p> <p>SEE ATTACHMENT: <i>Soapbox Article - How Sacramento County supervisors blew it on parkway safety</i></p>	
B7	Phil Decker	
B7-1	<p>Melinda,</p> <p>I'm writing you in reference to the above master plan update. In reviewing the transportation and traffic section (page 4.15-5), I noticed that the Fresno County Regional Bicycle and Recreational Trails Master Plan was no longer applicable as the county has updated this with a county ATP (Alternative Transportation Plan). This is also true for the City of Fresno Bicycle, Pedestrian, and Trails Master Plan which has been updated with an ATP. Thank you for your attention to this comment.</p> <p>Philip Decker.</p>	<p>The Parkway Master Plan update includes policies to connect Parkway trails to regional trail systems. The County's replacement of its Bicycle and Recreational Trails Master Plan with the County Alternative Transportation Plan does not change the impact analyses within the Draft EIR. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue. No further response is required.</p>
B8	David Gjeston	
B8-1	<p>I am a retired Wisconsin wildlife biologist and program administrator who has drafted and reviewed numerous environmental impact documents and currently reside in Oakley, downstream from the proposed project. I was extremely impressed with the format and detailed review of the DEIR and endorse its findings wholeheartedly.</p> <p>I believe the staff preparing the document has done an exemplary job of clearly identifying mitigated measures. I was personally pleased that the detail included a rarely identified measure to address dark sky concerns only recently surfacing as a legitimate conservation measure for those enjoying the star-lit skies of our planet without being obliterated by poorly placed security and safety lighting. Well done.</p>	<p>Commenter's appreciation for the document is noted. The comment does not state a specific concern or question regarding the sufficiency of the analysis or mitigation measures contained in the Draft EIR, nor does the comment raise a new environmental issue, so no further response is required.</p>

COMMENTS AND RESPONSES

TABLE 5-1 COMMENTS AND RESPONSE MATRIX

Comment #	Comment	Response
B9	Barry Bauer and Rosemarie Bauer	
B9-1	<p>This comment letter is related to setback policies of the current San Joaquin River Parkway Master Plan (SJRPMP) Update.</p> <p>Virtually every major river in every large city has a multi-use trail along its banks for public enjoyment of their river amenity. The San Joaquin River and Fresno should be no exception. Fresno needs a multi-use trail "near and along" the river and the 2035 Fresno General Plan supports a public trail "near and along" the river, to the greatest extent possible.</p> <p>Unfortunately, the proposed multi-use trail location in River West Fresno prevents most people including children in strollers and folks in wheelchairs from seeing the San Joaquin River. This is unsatisfactory and it's because of a defective SJRPMP policy.</p> <p>At this time, the River West Fresno FEIR plan calls for multi-use trail users to use "smaller trails" to access the river. The use of these "smaller trails" to access the river potentially disrupts habitat and negatively impacts access for those with limited mobility. These folks, with strollers and wheelchairs, may not be able navigate these smaller uneven, unpaved river access trails.</p> <p>To mitigate this problem, the SJRPMP setback policies should be amended to allow pre-existing roads and pre-existing trails to be upgraded to multi-use trails within the setback policy.</p> <p>If the SJRPMP policy is amended, multi-use trails can be located in the setback area and that would provide everyone, including those with limited mobility, the ability to see the San Joaquin River.</p>	<p>The setback and buffer policies in the proposed Parkway Master Plan reduce the potential impacts of Parkway development on biological and water resources as evaluated in the Draft EIR. During each site-specific and project-specific environmental review conducted to implement the proposed Plan, the policies in the plan may be applied to the extent reasonable and feasible, to accommodate site-specific conditions, at the discretion of the Conservancy Board. Please refer to Master Response #1 which addresses the River West Fresno, Eaton Trail Extension Project and EIR and corresponding revisions to the Master Plan Update. Please also refer to the <i>Final EIR for the River West Fresno, Eaton Trail Extension Project</i> for responses to comments on this issue specifically related to that project.</p>

COMMENTS AND RESPONSES

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